

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 969
93RD GENERAL ASSEMBLY

Reported from the Committee on Transportation May 1, 2006 with recommendation that House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 969 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

4853L.10C

AN ACT

To repeal sections 226.527, 226.530, 226.580, 227.290, 228.110, 301.010, 301.055, 301.057, 301.058, 301.070, 301.130, 301.131, 301.142, 301.144, 301.150, 301.310, 301.420, 301.440, 301.560, 301.716, 302.171, 302.545, 302.700, 302.720, 302.755, 302.775, 304.013, 304.016, 304.070, 304.155, 304.170, 304.180, 304.230, 304.281, 306.010, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, 311.326, 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, 407.1227, 430.082, 556.021, 577.020, 577.021, and 577.054, RSMo, and to enact in lieu thereof eighty-five new sections relating to transportation, with penalty provisions and an effective date for certain sections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 226.527, 226.530, 226.580, 227.290, 228.110, 301.010, 301.055,
2 301.057, 301.058, 301.070, 301.130, 301.131, 301.142, 301.144, 301.150, 301.310, 301.420,
3 301.440, 301.560, 301.716, 302.171, 302.545, 302.700, 302.720, 302.755, 302.775, 304.013,
4 304.016, 304.070, 304.155, 304.170, 304.180, 304.230, 304.281, 306.010, 307.010, 307.015,
5 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375,
6 307.390, 307.400, 311.326, 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7 407.1218, 407.1221, 407.1224, 407.1225, 407.1227, 430.082, 556.021, 577.020, 577.021, and
8 577.054, RSMo, are repealed and eighty-five new sections enacted in lieu thereof, to be known
9 as sections 226.527, 226.530, 226.580, 227.102, 227.290, 228.110, 301.010, 301.055, 301.057,
10 301.058, 301.070, 301.130, 301.131, 301.142, 301.144, 301.150, 301.310, 301.420, 301.440,
11 301.560, 301.569, 301.716, 301.2998, 302.171, 302.545, 302.700, 302.720, 302.755, 302.775,
12 304.013, 304.016, 304.070, 304.155, 304.170, 304.180, 304.230, 304.232, 304.281, 306.010,
13 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198,
14 307.365, 307.375, 307.390, 307.400, 311.326, 385.200, 385.201, 385.203, 385.204, 385.205,
15 385.207, 385.208, 385.209, 385.210, 385.211, 385.212, 385.400, 385.403, 385.406, 385.409,
16 385.412, 385.415, 385.418, 385.421, 385.424, 385.427, 385.430, 385.433, 385.436, 430.082,
17 488.006, 556.021, 577.020, 577.021, 577.054, and 622.560, to read as follows:

226.527. 1. On and after August 13, 1976, no outdoor advertising shall be erected or
2 maintained beyond six hundred and sixty feet of the right-of-way, located outside of urban areas,
3 visible from the main traveled way of the interstate or primary system and erected with the
4 purpose of its message being read from such traveled way, except such outdoor advertising as
5 is defined in subdivisions (1) and (2) of section 226.520.

6 2. No compensation shall be paid for the removal of any sign erected in violation of
7 subsection 1 of this section unless otherwise authorized or permitted by sections 226.501 to
8 226.580. No sign erected prior to August 13, 1976, which would be in violation of this section
9 if it were erected or maintained after August 13, 1976, shall be removed unless such removal is
10 required by the Secretary of Transportation and federal funds required to be contributed to this
11 state under section 131(g) of Title 23, United States Code, to pay compensation for such removal
12 have been appropriated and allocated and are immediately available to this state, and in such
13 event, such sign shall be removed pursuant to section 226.570.

14 3. In the event any portion of this chapter is found in noncompliance with Title 23,
15 United States Code, section 131, by the Secretary of Transportation or his representative, and any
16 portion of federal-aid highway funds or funds authorized for removal of outdoor advertising are
17 withheld, or declared forfeited by the Secretary of Transportation or his representative, all
18 removal of outdoor advertising by the Missouri state highways and transportation commission
19 pursuant to this chapter shall cease, and shall not be resumed until such funds are restored in full.
20 Such cessation of removal shall not be construed to affect compensation for outdoor advertising
21 removed or in the process of removal pursuant to this chapter.

22 4. In addition to any applicable regulations set forth in sections 226.500 through 226.600,
23 signs within an area subject to control by a local zoning authority and wherever located within
24 such area shall be subject to reasonable regulations of that local zoning authority relative to size,
25 lighting, spacing, and location; provided, however, that no local zoning authority shall have

26 authority to require any sign within its jurisdiction which was lawfully erected and which is
27 maintained in good repair to be removed without the payment of just compensation. **The**
28 **requirement by a local zoning authority that a legally erected outdoor advertising structure**
29 **be removed or altered as a condition or prerequisite for the issuance or continued**
30 **effectiveness of a permit, license, or other approval for any use, structure, development,**
31 **or activity other than outdoor advertising, including a request for rezoning, constitutes a**
32 **compelled removal or alteration, which is prohibited without the payment of just**
33 **compensation as required by this subsection.**

226.530. 1. The state highways and transportation commission [is required to] **shall**
2 issue one-time permanent permits as provided in section 226.550 for the erection and
3 maintenance of outdoor advertising along [the interstate and primary highway systems and] **any**
4 **interstate highways, the federal-aid primary system as it existed on June 1, 1991, or the**
5 **national highway system.**

6 2. The commission is authorized to void any permit and no compensation shall be
7 paid under any of the following conditions:

8 (1) When there has been any misrepresentation of a material fact by the applicant
9 on a permit application and the sign is removed under section 226.580;

10 (2) When the commission determines that a change has been made to a conforming
11 sign by the sign owner and the sign has been removed under section 226.580; or

12 (3) When the commission determines that a substantial change has been made to
13 a nonconforming sign by the sign owner such that the sign's nonconforming status was
14 terminated and the sign was removed under the commission's administrative rules for
15 maintenance of nonconforming signs.

16 3. The commission is authorized to void any permit when the commission
17 determines that such permit has been erroneously issued by department of transportation
18 staff in violation of any state law or administrative rule and the outdoor advertising shall
19 be subject to removal and compensation and shall be paid under section 226.570.

20 4. Subject to section 226.540, the commission is authorized to promulgate only those
21 rules and regulations of minimal necessity and consistent with customary use to secure to this
22 state any federal aid contingent upon compliance with federal laws, rules and regulations relating
23 to outdoor advertising. No rule or portion of a rule promulgated under the authority of this
24 section shall become effective unless it has been promulgated pursuant to the provisions of
25 section 536.024, RSMo.

226.580. 1. The following outdoor advertising within six hundred sixty feet of the
2 right-of-way of interstate or primary highways is deemed unlawful and shall be subject to
3 removal:

4 (1) Signs erected after March 30, 1972, contrary to the provisions of sections 226.500
5 to 226.600 and signs erected on or after January 1, 1968, but before March 30, 1972, contrary
6 to the sizing, spacing, lighting, or location provisions of sections 226.500 to 226.600 as they
7 appeared in the revised statutes of Missouri 1969; or

8 (2) Signs for which a permit is not obtained or a biennial inspection fee is more than
9 twelve months past due; or

10 (3) Signs which are obsolete. Signs shall not be considered obsolete solely because they
11 temporarily do not carry an advertising message; or

12 (4) Signs that are not in good repair; or

13 (5) Signs not securely affixed to a substantial structure; or

14 (6) Signs which attempt or appear to attempt to regulate, warn, or direct the movement
15 of traffic or which interfere with, imitate, or resemble any official traffic sign, signal, or device;
16 or

17 (7) Signs which are erected or maintained upon trees or painted or drawn upon rocks or
18 other natural features; or

19 **(8) Signs for which a permit was obtained based on a misrepresentation of a**
20 **material fact.**

21 2. Signs erected after August 13, 1976, beyond six hundred sixty feet of the right-of-way
22 outside of urban areas, visible from the main traveled way of the interstate or primary system and
23 erected with the purpose of their message being read from such traveled way, except those signs
24 described in subdivisions (1) and (2) of section 226.520 are deemed unlawful and shall be
25 subject to removal.

26 3. If a sign is deemed to be unlawful for any of the reasons set out in subsections 1 to [7]
27 8 of this section, the state highways and transportation commission shall give notice either by
28 certified mail or by personal service to the owner or occupant of the land on which advertising
29 believed to be unlawful is located and the owner of the outdoor advertising structure. Such
30 notice shall specify the basis for the alleged unlawfulness, shall specify the remedial action
31 which is required to correct the unlawfulness and shall advise that a failure to take the remedial
32 action within sixty days will result in the sign being removed. Within sixty days after receipt of
33 the notice as to him, the owner of the land or of the structure may remove the sign or may take
34 the remedial action specified or may file an action for administrative review pursuant to the
35 provisions of sections 536.067 to 536.090, RSMo, to review the action of the state highways and
36 transportation commission, or he may proceed under the provisions of section 536.150, RSMo,
37 as if the act of the highways and transportation commission was one not subject to administrative
38 review. Notwithstanding any other provisions of sections 226.500 to 226.600, no outdoor
39 advertising structure erected prior to August 28, 1992, defined as a "structure lawfully in

40 existence" or "lawfully existing", by subdivision (1), (2) or (3) of subsection 3 of section
41 226.550, shall be removed for failure to have a permit until a notice, as provided in this section,
42 has been issued which shall specify failure to obtain a permit or pay a biennial inspection fee as
43 the basis for alleged unlawfulness, and shall advise that failure to take the remedial action of
44 applying for a permit or paying the inspection fee within sixty days will result in the sign being
45 removed. Signs for which biennial inspection fees are delinquent shall not be removed unless
46 the fees are more than twelve months past due and actual notice of the delinquency has been
47 provided to the sign owner. Upon application made within the sixty-day period as provided in
48 this section, and accompanied by the fee prescribed by section 226.550, together with any
49 inspection fees that would have been payable if a permit had been timely issued, the state
50 highways and transportation commission shall issue a one-time permanent permit for such sign.
51 Such signs with respect to which permits are so issued are hereby determined by the state of
52 Missouri to have been lawfully erected within the meaning of "lawfully erected" as that term is
53 used in Title 23, United States Code, Section 131(g), as amended, and shall only be removed
54 upon payment of just compensation, except that the issuance of permits shall not entitle the
55 owners of such signs to compensation for their removal if it is finally determined that such signs
56 are not "lawfully erected" as that term is used in Section 131(g) of Title 23 of the United States
57 Code.

58 4. If actual notice as provided in this section is given and neither the remedial action
59 specified is taken nor an action for review is filed, or if an action for review is filed and is finally
60 adjudicated in favor of the state highways and transportation commission, the state highways and
61 transportation commission shall have authority to immediately remove the unlawful outdoor
62 advertising. The owner of the structure shall be liable for the costs of such removal. The
63 commission shall incur no liability for causing this removal, except for damage caused by
64 negligence of the commission, its agents or employees.

65 5. If notice as provided in this section is given and an action for review is filed under the
66 provisions of section 536.150, RSMo, or if administrative review pursuant to the provisions of
67 sections 536.067 to 536.090, RSMo, is filed and the state highways and transportation
68 commission enters its final decision and order to remove the outdoor advertising structure, the
69 advertising message contained on the structure shall be removed or concealed by the owner of
70 the structure, at the owner's expense, until the action for judicial review is finally adjudicated.
71 If the owner of the structure refuses or fails to remove or conceal the advertising message, the
72 commission may remove or conceal the advertising message and the owner of the structure shall
73 be liable for the costs of such removal or concealment. The commission shall incur no liability
74 for causing the removal or concealment of the advertising message while an action for review
75 is pending, except if the owner finally prevails in its action for judicial review, the commission

76 will compensate the owner at the rate the owner is actually receiving income from the advertiser
77 pursuant to written lease from the time the message is removed until the judicial review is final

78 6. Any signs advertising tourist-oriented type business will be the last to be removed.

79 7. Any signs prohibited by section 226.527 which were lawfully erected prior to August
80 13, 1976, shall be removed pursuant to section 226.570.

81 8. The transportation department shall reimburse to the lawful owners of any said
82 nonconforming signs that are now in existence as defined in sections 226.540, 226.550, 226.580
83 and 226.585, said compensation calculated and/or based on a fair market value and not mere
84 replacement cost.

**227.102. 1. Notwithstanding any other provision of law to the contrary, the
2 commission is authorized to receive bids and bid bonds for any contract for construction,
3 maintenance, repair, or improvement of any bridge or highway on the state highway
4 system electronically via the Internet. Such electronically submitted bids and bid bonds
5 shall contain digital signatures and seals, and all other required bid information and
6 certifications, in accordance with commission administrative rules, sections 432.200 to
7 432.295, RSMo, and with any applicable federal competitive bidding requirements. At its
8 discretion, the commission may elect to receive both electronic and paper bids, or the
9 commission may specify electronic bidding exclusively for any proposed contract.**

10 **2. Any electronic bidding program or service implemented by the commission and
11 the electronic bid and bid bond vendor shall meet the following criteria, at a minimum:**

12 **(1) Each bidder must be able to transmit an electronic bid and bid bond securely
13 and confidentially through bid encryption or other protection measures;**

14 **(2) Each bidder must receive prompt confirmation of the timely electronic filing of
15 the bidder's bid and bid bond;**

16 **(3) Each bidder must be able to withdraw or replace the bidder's filed electronic
17 bid and bid bond prior to the time bids are opened;**

18 **(4) Each bid filed electronically must be inaccessible or unreadable to all others
19 except for the bidder prior to the time bids are opened;**

20 **(5) The portal for filing bids must have a mechanism to block any additional bids
21 or modifications to bids when bids are scheduled to be opened; and**

22 **(6) Commission representatives and officials of the department of transportation
23 must have full and immediate access to the bids and bid bonds at the time bids are
24 designated to be opened, but not prior to that time.**

25 **3. The commission is authorized to promulgate administrative rules to administer
26 the provisions in this section. Any rule or portion of a rule, as that term is defined in
27 section 536.010, RSMo, that is created under the authority delegated in this section shall**

28 **become effective only if it complies with and is subject to all of the provisions of chapter**
29 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**
30 **RSMo, are nonseverable and if any of the powers vested with the general assembly**
31 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
32 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
33 **authority and any rule proposed or adopted after August 28, 2006, shall be invalid and**
34 **void.**

227.290. 1. Whenever in the opinion of the state highways and transportation
2 commission the advantageous use of any interest in land or any leasehold which has heretofore
3 or may hereafter be acquired by the commission has ceased, **or for any other lawful reason the**
4 **commission wishes to dispose of the property**, the [state highways and transportation]
5 commission shall have authority to convey [the same for the best available cash price] **or**
6 **exchange such interest in land or leasehold for its approximate fair market value pursuant**
7 **to any administrative procedure or process as determined by the commission**, by deed
8 signed by its [chairman] **chair** or vice [chairman] **chair** and attested by its secretary[; provided,
9 however, that] . Before any sale shall be consummated under this section, the [grantor to the
10 state of] **original owner of the property which is now** offered for sale[, if real estate,] **by the**
11 **commission** and if such [grantor] **owner** shall at the time **of sale** be in possession of the
12 adjoining land, shall be notified by written notice [of] **by** the [state transportation] department[
13 .] **of transportation** of such contemplated sale[; provided, that] . All moneys received from the
14 disposal of any such interest in land or leasehold shall be deposited **by the commission** in the
15 state treasury to the credit of the state road fund[; provided further, that when] . Any land or
16 leasehold herein described **that** has been donated without charge [whatsoever,] by the owner
17 [and grantor of said property] to the purpose of state highway construction or maintenance and
18 such [grantor] **owner** is still in possession of contiguous property, the same shall revert to such
19 original owner without cost to [him] **the owner** if and when relinquished by the [state]
20 **commission.**

21 2. **The commission may also, in its discretion, convey at no cost, or exchange its**
22 **interest in any land or leasehold that is no longer necessary to be used for the construction,**
23 **maintenance, or operation of the state highway system, or for any other lawful reason, to**
24 **any federal, state, or local governmental entity.**

228.110. 1. **In counties in which township districts exist**, any twelve residents of the
2 township or townships through which a road runs may make application for the vacation of any
3 such road or part of the same as useless, and the repairing of the same an unreasonable burden
4 upon the district or districts. **In the county with a charter form of government and with**
5 **more than two hundred fifty thousand but fewer than three hundred fifty thousand**

6 **inhabitants, any twelve residents of the county through which a road runs who reside on**
7 **any portion of such road, or who reside on another road which intersects such road, may**
8 **make application for vacation of such road or part of the road as no longer serving the**
9 **public health, safety, or welfare.** The petition shall be publicly read on the first day of the term
10 at which it is presented, and the matter continued without further proceedings until the next term.

11 2. Notice of the filing of such petition and of the road sought to be vacated shall be
12 posted up in not less than three public places in such township or townships, at least twenty days
13 before the first day of the next term of the commission, and a copy of the same shall be
14 personally served on all the persons residing in the district whose lands are crossed or touched
15 by the road proposed to be vacated in the same manner as other notices are required to be served
16 by law; and at the next regular term the same shall again be publicly read on the first day thereof.

17 3. If no remonstrance is made thereto in writing, signed by at least twelve residents of
18 the township, the commission may proceed to vacate such road, or any part thereof, at the cost
19 of the petitioners; but if a remonstrance thereto in writing, signed by at least twelve residents of
20 such township or townships, is filed, and the commission after considering the same shall decide
21 that it is just to vacate such road, or any part thereof, against the vacation of which the
22 remonstrance was filed, the costs shall be paid by the parties remonstrating, and the original
23 costs, and damages for opening such vacated road shall be paid by the petitioners to those who
24 paid the same, except that if five years have elapsed since the original opening of the same no
25 such reimbursement shall be made.

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260,
2 RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
4 off-highway use which is fifty inches or less in width, with an unladen dry weight of one
5 thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed
6 to be straddled by the operator, or with a seat designed to carry more than one person, and
7 handlebars for steering control;

8 (2) "Automobile transporter", any vehicle combination designed and used specifically
9 for the transport of assembled motor vehicles;

10 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are
11 included between two parallel transverse vertical planes forty inches apart, extending across the
12 full width of the vehicle;

13 (4) "Boat transporter", any vehicle combination designed and used specifically to
14 transport assembled boats and boat hulls;

15 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not
16 owned by the shop or its officers or employees by mending, straightening, replacing body parts,
17 or painting;

18 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more
19 passengers but not including shuttle buses;

20 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying
21 freight and merchandise, or more than eight passengers but not including vanpools or shuttle
22 buses;

23 (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at
24 speeds less than forty miles per hour from field to field or from field to market and return;

25 (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in
26 the sale or exchange of new, used or reconstructed motor vehicles or trailers;

27 (10) "Director" or "director of revenue", the director of the department of revenue;

28 (11) "Driveaway operation":

29 (a) The movement of a motor vehicle or trailer by any person or motor carrier other than
30 a dealer over any public highway, under its own power singly, or in a fixed combination of two
31 or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;

32 (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting
33 the commodity being transported, by a person engaged in the business of furnishing drivers and
34 operators for the purpose of transporting vehicles in transit from one place to another by the
35 driveaway or towaway methods; or

36 (c) The movement of a motor vehicle by any person who is lawfully engaged in the
37 business of transporting or delivering vehicles that are not the person's own and vehicles of a
38 type otherwise required to be registered, by the driveaway or towaway methods, from a point of
39 manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent
40 of a manufacturer or to any consignee designated by the shipper or consignor;

41 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
42 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor
43 equipped with a dromedary may carry part of a load when operating independently or in a
44 combination with a semitrailer;

45 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

46 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;

47 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

48 (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last
49 vehicle in a saddlemount combination;

50 (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
51 the weight of any load thereon;

52 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
53 result of the impact of hail;

54 (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads
55 and public streets, avenues, boulevards, parkways or alleys in any municipality;

56 (20) "Improved highway", a highway which has been paved with gravel, macadam,
57 concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

58 (21) "Intersecting highway", any highway which joins another, whether or not it crosses
59 the same;

60 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways
61 and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

62 (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally
63 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from
64 an authorized manufacturer and accompanied by a manufacturer's statement of origin;

65 (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire
66 commercial motor vehicle the operation of which is confined to:

67 (a) An area that extends not more than a radius of one hundred miles from its home base
68 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or
69 from projects involving soil and water conservation, or to and from equipment dealers'
70 maintenance facilities for maintenance purposes; or

71 (b) An area that extends not more than a radius of fifty miles from its home base of
72 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
73 projects not involving soil and water conservation.

74 Nothing in this subdivision shall be construed to prevent any motor vehicle from being registered
75 as a commercial motor vehicle or local commercial motor vehicle;

76 (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations
77 are confined solely to a municipality and that area extending not more than fifty miles therefrom,
78 or a commercial motor vehicle whose property-carrying operations are confined solely to the
79 transportation of property owned by any person who is the owner or operator of such vehicle to
80 or from a farm owned by such person or under the person's control by virtue of a landlord and
81 tenant lease; provided that any such property transported to any such farm is for use in the
82 operation of such farm;

83 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this
84 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
85 state, used to transport harvested forest products, operated solely at a forested site and in an area

86 extending not more than a [fifty-mile] **one-hundred-mile** radius from such site, carries a load
87 with dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and
88 when operated on the national system of interstate and defense highways described in Title 23,
89 Section 103(e) of the United States Code, such vehicle shall not exceed the weight limits of
90 section 304.180, RSMo, does not have more than four axles, and does not pull a trailer which
91 has more than two axles. Harvesting equipment which is used specifically for cutting, felling,
92 trimming, delimbing, debarking, chipping, skidding, loading, unloading, and stacking may be
93 transported on a local log truck. A local log truck may not exceed the limits required by law,
94 however, if the truck does exceed such limits as determined by the inspecting officer, then
95 notwithstanding any other provisions of law to the contrary, such truck shall be subject to the
96 weight limits required by such sections as licensed for eighty thousand pounds;

97 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this
98 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
99 state, used to transport harvested forest products, operated solely at a forested site and in an area
100 extending not more than a [fifty-mile] **one-hundred-mile** radius from such site, operates with
101 a weight not exceeding twenty-two thousand four hundred pounds on one axle or with a weight
102 not exceeding forty-four thousand eight hundred pounds on any tandem axle, and when operated
103 on the national system of interstate and defense highways described in Title 23, Section 103(e)
104 of the United States Code, such vehicle does not exceed the weight limits contained in section
105 304.180, RSMo, and does not have more than three axles and does not pull a trailer which has
106 more than two axles. Violations of axle weight limitations shall be subject to the load limit
107 penalty as described for in sections 304.180 to 304.220, RSMo;

108 (28) "Local transit bus", a bus whose operations are confined wholly within a municipal
109 corporation, or wholly within a municipal corporation and a commercial zone, as defined in
110 section 390.020, RSMo, adjacent thereto, forming a part of a public transportation system within
111 such municipal corporation and such municipal corporation and adjacent commercial zone;

112 (29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and
113 is used exclusively to transport harvested forest products to and from forested sites which is
114 registered pursuant to this chapter to operate as a motor vehicle on the public highways of this
115 state for the transportation of harvested forest products;

116 (30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly,
117 and front clip, as those terms are defined by the director of revenue pursuant to rules and
118 regulations or by illustrations;

119 (31) "Manufacturer", any person, firm, corporation or association engaged in the
120 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

- 121 (32) "Mobile scrap processor", a business located in Missouri or any other state that
122 comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder
123 or scrap metal operator for recycling;
- 124 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
125 receives a new, rebuilt or used engine, and which used the number stamped on the original
126 engine as the vehicle identification number;
- 127 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
128 except farm tractors;
- 129 (35) "Motor vehicle primarily for business use", any vehicle other than a recreational
130 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
131 twelve thousand pounds:
- 132 (a) Offered for hire or lease; or
133 (b) The owner of which also owns ten or more such motor vehicles;
- 134 (36) "Motorcycle", a motor vehicle operated on two wheels;
- 135 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic
136 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which
137 produces less than three gross brake horsepower, and is capable of propelling the device at a
138 maximum speed of not more than thirty miles per hour on level ground;
- 139 (38) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
140 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.
141 A motortricycle shall not be included in the definition of all-terrain vehicle;
- 142 (39) "Municipality", any city, town or village, whether incorporated or not;
- 143 (40) "Nonresident", a resident of a state or country other than the state of Missouri;
- 144 (41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in
145 compliance with United States emissions or safety standards;
- 146 (42) "Operator", any person who operates or drives a motor vehicle;
- 147 (43) "Owner", any person, firm, corporation or association, who holds the legal title to
148 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease
149 thereof with the right of purchase upon performance of the conditions stated in the agreement
150 and with an immediate right of possession vested in the conditional vendee or lessee, or in the
151 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
152 or mortgagor shall be deemed the owner for the purpose of this law;
- 153 (44) "Public garage", a place of business where motor vehicles are housed, stored,
154 repaired, reconstructed or repainted for persons other than the owners or operators of such place
155 of business;

156 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
157 rebuilder, but does not include certificated common or contract carriers of persons or property;

158 (46) "Reconstructed motor vehicle", a vehicle that is altered from its original
159 construction by the addition or substitution of two or more new or used major component parts,
160 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

161 (47) "Recreational motor vehicle", any motor vehicle designed, constructed or
162 substantially modified so that it may be used and is used for the purposes of temporary housing
163 quarters, including therein sleeping and eating facilities which are either permanently attached
164 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
165 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
166 vehicle if the motor vehicle could otherwise be so registered;

167 (48) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,
168 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a
169 wrecker or towing service;

170 (49) "Saddlemount combination", a combination of vehicles in which a truck or truck
171 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth
172 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of
173 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth
174 wheel kingpin connection. When two vehicles are towed in this manner the combination is
175 called a "double saddlemount combination". When three vehicles are towed in this manner, the
176 combination is called a "triple saddlemount combination";

177 (50) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for
178 the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

179 (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

180 (a) **Has a manufacturer's model year designation of or later than the year in which**
181 **the vehicle was wrecked, destroyed, or damaged, or any of the three preceding years and**
182 has been damaged to the extent that the total cost of repairs to rebuild or reconstruct the vehicle
183 to its condition immediately before it was damaged for legal operation on the roads or highways
184 exceeds [seventy-five] **eighty** percent of the fair market value of the vehicle immediately
185 preceding the time it was damaged;

186 (b) By reason of condition or circumstance, has been declared salvage, either by its
187 owner, or by a person, firm, corporation, or other legal entity exercising the right of security
188 interest in it;

189 (c) Has been declared salvage by an insurance company as a result of settlement of a
190 claim for loss due to damage or theft;

191 (d) Ownership of which is evidenced by a salvage title; or

(e) Is abandoned property which is titled pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words "salvage/abandoned property".

The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems, **repairing hail damage**, or any sales tax on parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair market value" means the retail value of a motor vehicle as:

a. Set forth in a current edition of any nationally recognized compilation of retail values, including automated databases, or from publications commonly used by the automotive and insurance industries to establish the values of motor vehicles;

b. Determined pursuant to a market survey of comparable vehicles with regard to condition and equipment; and

c. Determined by an insurance company using any other procedure recognized by the insurance industry, including market surveys, that is applied by the company in a uniform manner;

(52) "School bus", any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;

(53) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or corporation as an incidental service to transport patrons or customers of the regular business of such person, firm, or corporation to and from the place of business of the person, firm, or corporation providing the service at no fee or charge. Shuttle buses shall not be registered as buses or as commercial motor vehicles;

(54) "Special mobile equipment", every self-propelled vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm equipment, implements of husbandry, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines, motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section;

(55) "Specially constructed motor vehicle", a motor vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a manufacturer of motor vehicles. The term "specially constructed motor vehicle" includes kit vehicles;

- 227 (56) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel
228 is located on a drop frame located behind and below the rearmost axle of the power unit;
- 229 (57) "Tandem axle", a group of two or more axles, arranged one behind another, the
230 distance between the extremes of which is more than forty inches and not more than ninety-six
231 inches apart;
- 232 (58) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed
233 for drawing other vehicles, but not for the carriage of any load when operating independently.
234 When attached to a semitrailer, it supports a part of the weight thereof;
- 235 (59) "Trailer", any vehicle without motive power designed for carrying property or
236 passengers on its own structure and for being drawn by a self-propelled vehicle, except those
237 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
238 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
239 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton
240 trailers as defined in subdivision (8) of this section and shall not include manufactured homes
241 as defined in section 700.010, RSMo;
- 242 (60) "Truck", a motor vehicle designed, used, or maintained for the transportation of
243 property;
- 244 (61) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two
245 trailing units are connected with a B-train assembly which is a rigid frame extension attached to
246 the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second
247 semitrailer and has one less articulation point than the conventional "A dolly" connected
248 truck-tractor semitrailer-trailer combination;
- 249 (62) "Truck-trailer boat transporter combination", a boat transporter combination
250 consisting of a straight truck towing a trailer using typically a ball and socket connection with
251 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
252 trailer but so as to maintain a downward force on the trailer tongue;
- 253 (63) "Used parts dealer", a business that buys and sells used motor vehicle parts or
254 accessories, but not including a business that sells only new, remanufactured or rebuilt parts.
255 "Business" does not include isolated sales at a swap meet of less than three days;
- 256 (64) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
257 firm, corporation, association, city, county or state agency, or any member thereof, for the
258 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
259 and from their place of employment; however, a vanpool shall not be included in the definition
260 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this
261 section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section
262 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,

263 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for
 264 monetary profit other than for use in a ride-sharing arrangement;

265 (65) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
 266 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,
 267 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs
 268 operated by handicapped persons;

269 (66) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed
 270 and used to assist or render aid and transport or tow disabled or wrecked vehicles from a
 271 highway, road, street or highway rights-of-way to a point of storage or repair, including towing
 272 a replacement vehicle to replace a disabled or wrecked vehicle;

273 (67) "Wrecker or towing service", the act of transporting, towing or recovering with a
 274 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,
 275 tow truck, rollback or car carrier for which the operator directly or indirectly receives
 276 compensation or other personal gain.

301.055. The annual registration fee for **passenger** motor vehicles [other than
 2 commercial motor vehicles is:

3 Less than 12 horsepower	\$18.00
4 12 horsepower and less than 24 horsepower	21.00
5 24 horsepower and less than 36 horsepower	24.00
6 36 horsepower and less than 48 horsepower	33.00
7 48 horsepower and less than 60 horsepower	39.00
8 60 horsepower and less than 72 horsepower	45.00
9 72 horsepower and more	51.00]

10 **and commercial motor vehicles with a gross weight rating of twelve thousand pounds or**
 11 **less shall be** **26.25**

12 Motorcycles	8.50
13 Motortricycles	10.00

301.057. The annual registration fee for property-carrying commercial motor vehicles,
 2 not including property-carrying local commercial motor vehicles, or land improvement
 3 contractors' commercial motor vehicles, based on gross weight is:

4 [6,000 pounds and under	\$ 25.50
5 6,001 pounds to 9,000 pounds	38.00
6 9,001 pounds to 12,000 pounds	38.00]
7 12,001 pounds to 18,000 pounds	63.00
8 18,001 pounds to 24,000 pounds	100.50
9 24,001 pounds to 26,000 pounds	127.00

10	26,001 pounds to 30,000 pounds	180.00
11	30,001 pounds to 36,000 pounds	275.50
12	36,001 pounds to 42,000 pounds	413.00
13	42,001 pounds to 48,000 pounds	550.50
14	48,001 pounds to 54,000 pounds	688.00
15	54,001 pounds to 60,010 pounds	825.50
16	60,011 pounds to 66,000 pounds	1,100.50
17	66,001 pounds to 73,280 pounds	1,375.50
18	73,281 pounds to 78,000 pounds	1,650.50
19	78,001 pounds to 80,000 pounds	1,719.50

301.058. 1. The annual registration fee for property-carrying local commercial motor vehicles, other than a land improvement contractors' commercial motor vehicles, based on gross weight is:

4	[6,000 pounds and under	\$ 15.50
5	6,001 pounds to 12,000 pounds	18.00]
6	12,001 pounds to 18,000 pounds	20.50
7	18,001 pounds to 24,000 pounds	27.50
8	24,001 pounds to 26,000 pounds	33.50
9	26,001 pounds to 30,000 pounds	45.50
10	30,001 pounds to 36,000 pounds	67.50
11	36,001 pounds to 42,000 pounds	100.50
12	42,001 pounds to 48,000 pounds	135.50
13	48,001 pounds to 54,000 pounds	170.50
14	54,001 pounds to 60,010 pounds	200.50
15	60,011 pounds to 66,000 pounds	270.50
16	66,001 pounds to 72,000 pounds	335.50
17	72,001 pounds to 80,000 pounds	350.50

2. Any person found to have improperly registered a motor vehicle in excess of fifty-four thousand pounds when he or she was not entitled to shall be required to purchase the proper license plates and, in addition to all other penalties provided by law, shall be subject to the annual registration fee for the full calendar year for the vehicle's gross weight as prescribed in section 301.057.

301.070. 1. [In determining fees based on the horsepower of vehicles propelled by internal combustion engines, the horsepower shall be computed and recorded upon the following formula established by the National Automobile Chamber of Commerce: Square the bore of the cylinder in inches multiplied by the number of cylinders, divided by two and one-half.

5 2. The horsepower of all motor vehicles propelled by steam may be accepted as rated by
6 the manufacturers thereof, or may be determined in accordance with regulations promulgated by
7 the director.

8 3. The horsepower of all motor vehicles, except commercial motor vehicles, propelled
9 by electric power, shall be rated as being between twelve and twenty-four horsepower.

10 4.] Fees of commercial motor vehicles, other than passenger-carrying commercial motor
11 vehicles, shall be based on the gross weight of the vehicle or any combination of vehicles and
12 the maximum load to be carried at any one time during the license period, except the fee for a
13 wrecker, tow truck, rollback or car carrier used in a towing service shall be based on the empty
14 weight of such vehicle fully equipped for the recovery or towing of vehicles.

15 [5.] 2. The decision of the director as to the type of motor vehicles and their
16 classification for the purpose of registration and the computation of fees therefor shall be final
17 and conclusive.

301.130. 1. The director of revenue, upon receipt of a proper application for registration,
2 required fees and any other information which may be required by law, shall issue to the
3 applicant a certificate of registration in such manner and form as the director of revenue may
4 prescribe and a set of license plates, or other evidence of registration, as provided by this section.
5 Each set of license plates shall bear the name or abbreviated name of this state, the words
6 "SHOW-ME STATE", the month and year in which the registration shall expire, and an
7 arrangement of numbers or letters, or both, as shall be assigned from year to year by the director
8 of revenue. The plates shall also contain fully reflective material with a common color scheme
9 and design for each type of license plate issued pursuant to this chapter. The plates shall be
10 clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled
11 veterans will have the "DISABLED VETERAN" wording on the license plates in preference to
12 the words "SHOW-ME STATE" and special plates for members of the national guard will have
13 the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

14 2. The arrangement of letters and numbers of license plates shall be uniform throughout
15 each classification of registration. The director may provide for the arrangement of the numbers
16 in groups or otherwise, and for other distinguishing marks on the plates.

17 3. All property-carrying commercial motor vehicles to be registered at a gross weight in
18 excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local
19 transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters and
20 driveaway vehicles shall be registered with the director of revenue as provided for in subsection
21 3 of section 301.030, or with the state highways and transportation commission as otherwise
22 provided in this chapter, but only one license plate shall be issued for each such vehicle except
23 as provided in this subsection. The applicant for registration of any property-carrying

24 commercial motor vehicle may request and be issued two license plates for such vehicle, and if
25 such plates are issued the director of revenue may assess and collect an additional charge from
26 the applicant in an amount not to exceed the fee prescribed for personalized license plates in
27 subsection 1 of section 301.144.

28 4. The plates issued to manufacturers and dealers shall bear the [letter "D" preceding the
29 number,] **letters and numbers as prescribed by section 301.560**, and the director may place
30 upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and
31 other types of motor vehicles.

32 5. No motor vehicle or trailer shall be operated on any highway of this state unless it
33 shall have displayed thereon the license plate or set of license plates issued by the director of
34 revenue or the state highways and transportation commission and authorized by section 301.140.
35 Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts
36 thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not
37 impaired. **Each such plate may be encased in a transparent cover so long as the plate is**
38 **plainly visible and its reflective qualities are not impaired.** License plates shall be fastened
39 to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of
40 twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than
41 forty-eight inches above the ground, with the letters and numbers thereon right side up. The
42 license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on
43 the rear of such vehicles, with the letters and numbers thereon right side up. The license plate
44 on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed
45 in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than
46 eight nor more than forty-eight inches above the ground, with the letters and numbers thereon
47 right side up or if two plates are issued for the vehicle pursuant to subsection 3 of this section,
48 displayed in the same manner on the front and rear of such vehicles. The license plate or plates
49 authorized by section 301.140, when properly attached, shall be prima facie evidence that the
50 required fees have been paid.

51 6. (1) The director of revenue shall issue annually or biennially a tab or set of tabs as
52 provided by law as evidence of the annual payment of registration fees and the current
53 registration of a vehicle in lieu of the set of plates. Beginning January 1, 2010, the director may
54 prescribe any additional information recorded on the tab or tabs to ensure that the tab or tabs
55 positively correlate with the license plate or plates issued by the department of revenue for such
56 vehicle. Such tabs shall be produced in each license bureau office.

57 (2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such
58 tab or tabs in the designated area of the license plate, no more than one per plate.

59 (3) A tab or set of tabs issued by the director of revenue when attached to a vehicle in
60 the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has
61 been paid.

62 (4) Except as otherwise provided in this section, the director of revenue shall issue plates
63 for a period of at least six years.

64 (5) For those commercial motor vehicles and trailers registered pursuant to section
65 301.041, the plate issued by the highways and transportation commission shall be a permanent
66 nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve
67 the owner of any vehicle permanently registered pursuant to this section from the obligation to
68 pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall
69 be returned to the highways and transportation commission upon the sale or disposal of the
70 vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may
71 be transferred to a replacement commercial motor vehicle when the owner files a supplemental
72 application with the Missouri highways and transportation commission for the registration of
73 such replacement commercial motor vehicle. Upon payment of the annual registration fee, the
74 highways and transportation commission shall issue a certificate of registration or other suitable
75 evidence of payment of the annual fee, and such evidence of payment shall be carried at all times
76 in the vehicle for which it is issued.

77 (6) Upon the sale or disposal of any vehicle permanently registered under this section,
78 or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued
79 for such vehicle shall be returned to the highways and transportation commission and shall not
80 be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle
81 when the owner files a supplemental application with the Missouri highways and transportation
82 commission for the registration of such replacement vehicle. If a vehicle which is permanently
83 registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated,
84 the registrant shall be given credit for any unused portion of the annual registration fee when the
85 vehicle is replaced by the purchase or lease of another vehicle during the registration year.

86 7. The director of revenue and the highways and transportation commission may
87 prescribe rules and regulations for the effective administration of this section. No rule or portion
88 of a rule promulgated under the authority of this section shall become effective unless it has been
89 promulgated pursuant to the provisions of section 536.024, RSMo.

90 8. Notwithstanding the provisions of any other law to the contrary, owners of motor
91 vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess
92 of eighteen thousand pounds gross weight may apply for special personalized license plates.
93 Vehicles licensed for eighteen thousand pounds that display special personalized license plates
94 shall be subject to the provisions of subsections 1 and 2 of section 301.030.

95 9. Commencing January 1, 2009, the director of revenue shall cause to be reissued new
96 license plates of such design as directed by the director consistent with the terms, conditions, and
97 provisions of this section and this chapter. Except as otherwise provided in this section, in
98 addition to all other fees required by law, applicants for registration of vehicles with license
99 plates that expire between January 1, 2009, and December 31, 2011, applicants for registration
100 of trailers or semitrailers with license plates that expire between January 1, 2009, and December
101 31, 2011, and applicants for registration of vehicles that are to be issued new license plates shall
102 pay an additional fee, based on the actual cost of the reissuance, to cover the cost of the newly
103 reissued plates required by this subsection. The additional fee prescribed in this subsection shall
104 not be charged to persons receiving special license plates issued under section 301.073 or
105 301.443. Historic motor vehicle license plates registered pursuant to section 301.131 and
106 specialized license plates are exempt from the provisions of this subsection.

 301.131. 1. Any motor vehicle over twenty-five years old which is owned solely as a
2 collector's item and which is used and intended to be used for exhibition and educational
3 purposes shall be permanently registered upon payment of a registration fee of twenty-five
4 dollars. Upon the transfer of the title to any such vehicle the registration shall be canceled and
5 the license plates issued therefor shall be returned to the director of revenue.

6 2. The owner of any such vehicle shall file an application in a form prescribed by the
7 director, if such vehicle meets the requirements of this section, and a certificate of registration
8 shall be issued therefor. Such certificate need not specify the horsepower of the motor vehicle.

9 3. The director shall issue to the owner of any motor vehicle registered pursuant to this
10 section the same number of license plates which would be issued with a regular annual
11 registration, containing the number assigned to the registration certificate issued by the director
12 of revenue. Such license plates shall be made with fully reflective material with a common color
13 scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as
14 prescribed by section 301.130.

15 4. Historic vehicles may be driven to and from repair facilities one hundred miles from
16 the vehicle's location, and in addition may be driven up to one thousand miles per year for
17 personal use. The owner of the historic vehicle shall be responsible for keeping a log of the
18 miles driven for personal use each calendar year. Such log must be kept in the historic vehicle
19 when the vehicle is driven on any state road. The historic vehicle's mileage driven in an antique
20 auto tour or event and mileage driven to and from such a tour or event shall not be considered
21 mileage driven for the purpose of the mileage limitations in this section. Violation of this section
22 [is a class C misdemeanor] **shall be punishable under section 301.440**, and in addition to any
23 other penalties prescribed by law, upon [conviction] **plea or finding of guilt** thereof, the director

24 of revenue shall revoke the historic motor vehicle license plates of such violator which were
25 issued pursuant to this section.

26 5. Notwithstanding any provisions of this section to the contrary, any person possessing
27 a license plate issued by the state of Missouri that is over twenty-five years old, in which the year
28 of the issuance of such plate is consistent with the year of the manufacture of the vehicle, the
29 owner of the vehicle may register such plate as an historic vehicle plate as set forth in
30 subsections 1 and 2 of this section, provided that the configuration of letters, numbers or
31 combination of letters and numbers of such plate are not identical to the configuration of letters,
32 numbers or combination of letters and numbers of any plates already issued to an owner by the
33 director. Such license plate shall not be required to possess the characteristic features of
34 reflective material and common color scheme and design as prescribed in section 301.130. The
35 owner of the historic vehicle registered pursuant to this subsection shall keep the certificate of
36 registration in the vehicle at all times. The certificate of registration shall be prima facie
37 evidence that the vehicle has been properly registered with the director and that all fees have
38 been paid.

301.142. 1. As used in sections 301.141 to 301.143, the following terms mean:

- 2 (1) "Department", the department of revenue;
- 3 (2) "Director", the director of the department of revenue;
- 4 (3) "Other authorized health care practitioner" includes only chiropractors licensed
5 pursuant to chapter 331, RSMo, podiatrists licensed pursuant to chapter 330, RSMo, and
6 optometrists licensed pursuant to chapter 336, RSMo;
- 7 (4) "Physically disabled", a natural person who is blind, as defined in section 8.700,
8 RSMo, or a natural person with medical disabilities which prohibits, limits, or severely impairs
9 one's ability to ambulate or walk, as determined by a licensed physician or other authorized
10 health care practitioner as follows:
 - 11 (a) The person cannot ambulate or walk fifty or less feet without stopping to rest due to
12 a severe and disabling arthritic, neurological, orthopedic condition, or other severe and disabling
13 condition; or
 - 14 (b) The person cannot ambulate or walk without the use of, or assistance from, a brace,
15 cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or
 - 16 (c) Is restricted by a respiratory or other disease to such an extent that the person's forced
17 respiratory expiratory volume for one second, when measured by spirometry, is less than one
18 liter, or the arterial oxygen tension is less than sixty mm/hg on room air at rest; or
 - 19 (d) Uses portable oxygen; or

20 (e) Has a cardiac condition to the extent that the person's functional limitations are
21 classified in severity as class III or class IV according to standards set by the American Heart
22 Association; or

23 (f) A person's age, in and of itself, shall not be a factor in determining whether such
24 person is physically disabled or is otherwise entitled to disabled license plates and/or disabled
25 windshield hanging placards within the meaning of sections 301.141 to 301.143;

26 (5) "Physician", a person licensed to practice medicine pursuant to chapter 334, RSMo;

27 (6) "Physician's statement", a statement personally signed by a duly authorized person
28 which certifies that a person is disabled as defined in this section;

29 (7) "Temporarily disabled person", a disabled person as defined in this section whose
30 disability or incapacity is expected to last no more than one hundred eighty days.

31 2. Other authorized health care practitioners may furnish to a disabled or temporarily
32 disabled person a physician's statement for only those physical health care conditions for which
33 such health care practitioner is legally authorized to diagnose and treat.

34 3. A physician's statement shall:

35 (1) Be on a form prescribed by the director of revenue;

36 (2) Set forth the specific diagnosis and medical condition which renders the person
37 physically disabled or temporarily disabled as defined in this section;

38 (3) Include the physician's or other authorized health care practitioner's license number;
39 and

40 (4) Be personally signed by the issuing physician or other authorized health care
41 practitioner.

42 4. If it is the professional opinion of the physician or other authorized health care
43 practitioner issuing the statement that the physical disability of the applicant, user, or member
44 of the applicant's household is permanent, it shall be noted on the statement. Otherwise, the
45 physician or other authorized health care practitioner shall note on the statement the anticipated
46 length of the disability which period may not exceed one hundred eighty days. If the physician
47 or health care practitioner fails to record an expiration date on the physician's statement, the
48 director shall issue a temporary windshield placard for a period of thirty days.

49 5. A physician or other authorized health care practitioner who issues or signs a
50 physician's statement so that disabled plates or a disabled windshield placard may be obtained
51 shall maintain in such disabled person's medical chart documentation that such a certificate has
52 been issued, the date the statement was signed, the diagnosis or condition which existed that
53 qualified the person as disabled pursuant to this section and shall contain sufficient
54 documentation so as to objectively confirm that such condition exists.

55 6. The medical or other records of the physician or other authorized health care
56 practitioner who issued a physician's statement shall be open to inspection and review by such
57 practitioner's licensing board, in order to verify compliance with this section. Information
58 contained within such records shall be confidential unless required for prosecution, disciplinary
59 purposes, or otherwise required to be disclosed by law.

60 7. Owners of motor vehicles who are residents of the state of Missouri, and who are
61 physically disabled, owners of motor vehicles operated at least fifty percent of the time by a
62 physically disabled person, or owners of motor vehicles used to primarily transport physically
63 disabled members of the owner's household may obtain disabled person license plates. Such
64 owners, upon application, accompanied by the documents and fees provided for in this section,
65 a current physician's statement which has been issued within ninety days proceeding the date the
66 application is made and proof of compliance with the state motor vehicle laws relating to
67 registration and licensing of motor vehicles, shall be issued motor vehicle license plates for
68 vehicles, other than commercial vehicles with a gross weight in excess of twenty-four thousand
69 pounds, upon which shall be inscribed the international wheelchair accessibility symbol and the
70 word "DISABLED" in addition to a combination of letters and numbers. Such license plates
71 shall be made with fully reflective material with a common color scheme and design, shall be
72 clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

73 8. The director shall further issue, upon request, to such applicant one, and for good
74 cause shown, as the director may define by rule and regulations, not more than two, removable
75 disabled windshield hanging placards for use when the disabled person is occupying a vehicle
76 or when a vehicle not bearing the permanent handicap plate is being used to pick up, deliver, or
77 collect the physically disabled person issued the disabled motor vehicle license plate or disabled
78 windshield hanging placard.

79 9. No additional fee shall be paid to the director for the issuance of the special license
80 plates provided in this section, except for special personalized license plates and other license
81 plates described in this subsection. Priority for any specific set of special license plates shall be
82 given to the applicant who received the number in the immediately preceding license period
83 subject to the applicant's compliance with the provisions of this section and any applicable rules
84 or regulations issued by the director. If determined feasible by the advisory committee
85 established in section 301.129, any special license plate issued pursuant to this section may be
86 adapted to also include the international wheelchair accessibility symbol and the word
87 "DISABLED" as prescribed in this section and such plate may be issued to any applicant who
88 meets the requirements of this section and the other appropriate provision of this chapter, subject
89 to the requirements and fees of the appropriate provision of this chapter.

10. Any physically disabled person, or the parent or guardian of any such person, or any not-for-profit group, organization, or other entity which transports more than one physically disabled person, may apply to the director of revenue for a removable windshield placard. The placard may be used in motor vehicles which do not bear the permanent handicap symbol on the license plate. Such placards must be hung from the front, middle rearview mirror of a parked motor vehicle and may not be hung from the mirror during operation. These placards may only be used during the period of time when the vehicle is being used by a disabled person, or when the vehicle is being used to pick up, deliver, or collect a disabled person. When there is no rearview mirror, the placard shall be displayed on the dashboard on the driver's side.

11. The removable windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The [fee for each removable windshield placard shall be four dollars and the] removable windshield placard shall be renewed every [two] **four** years. The director may stagger the expiration dates to equalize workload. Only one removable placard may be issued to an applicant who has been issued disabled person license plates. Upon request, one additional windshield placard may be issued to an applicant who has not been issued disabled person license plates, at the appropriate fee.

12. A temporary windshield placard shall be issued to any physically disabled person, or the parent or guardian of any such person who otherwise qualifies except that the physical disability, in the opinion of the physician, is not expected to exceed a period of one hundred eighty days. The temporary windshield placard shall conform to the specifications, in respect to size, color, and content, as set forth in federal regulations published by the Department of Transportation. The fee for the temporary windshield placard shall be two dollars. Upon request, and for good cause shown, one additional temporary windshield placard may be issued to an applicant. Temporary windshield placards shall be issued upon presentation of the physician's statement provided by this section and shall be displayed in the same manner as removable windshield placards. A person or entity shall be qualified to possess and display a temporary removable windshield placard for six months and the placard may be renewed once for an additional six months if a physician's statement pursuant to this section is supplied to the director of revenue at the time of renewal.

13. Application for license plates or windshield placards issued pursuant to this section shall be made to the director of revenue and shall be accompanied by a statement signed by a licensed physician or other authorized health care practitioner which certifies that the applicant, user, or member of the applicant's household is a physically disabled person as defined by this section.

125 14. The placard shall be renewable only by the person or entity to which the placard was
126 originally issued. Any placard issued pursuant to this section shall only be used when the
127 physically disabled occupant for whom the disabled plate or placard was issued is in the motor
128 vehicle at the time of parking or when a physically disabled person is being delivered or
129 collected. A disabled license plate and/or a removable windshield hanging placard are not
130 transferable and may not be used by any other person whether disabled or not.

131 15. At the time the disabled plates or windshield hanging placards are issued, the director
132 shall issue a registration certificate which shall include the applicant's name, address, and other
133 identifying information as prescribed by the director, or if issued to an agency, such agency's
134 name and address. This certificate shall further contain the disabled license plate number or, for
135 windshield hanging placards, the registration or identifying number stamped on the placard. The
136 validated registration receipt given to the applicant shall serve as the registration certificate.

137 16. The director shall, upon issuing any disabled registration certificate for license plates
138 and/or windshield hanging placards, provide information which explains that such plates or
139 windshield hanging placards are nontransferable, and the restrictions explaining who and when
140 a person or vehicle which bears or has the disabled plates or windshield hanging placards may
141 be used or be parked in a disabled reserved parking space, and the penalties prescribed for
142 violations of the provisions of this act.

143 17. Every new applicant for a disabled license plate or placard shall be required to
144 present a new physician's statement dated no more than ninety days prior to such application.
145 Renewal applicants will be required to submit a physician's statement dated no more than ninety
146 days prior to such application upon their first renewal occurring on or after August 1, 2005.
147 Upon completing subsequent renewal applications, a physician's statement dated no more than
148 ninety days prior to such application shall be required every fourth year. Such physician's
149 statement shall state the expiration date for the temporary windshield placard. If the physician
150 fails to record an expiration date on the physician's statement, the director shall issue the
151 temporary windshield placard for a period of thirty days.

152 18. The director of revenue upon receiving a physician's statement pursuant to this
153 subsection shall check with the state board of registration for the healing arts created in section
154 334.120, RSMo, or the Missouri state board of chiropractic examiners established in section
155 331.090, RSMo, with respect to physician's statements signed by licensed chiropractors, or with
156 the board of optometry established in section 336.130, RSMo, with respect to physician's
157 statements signed by licensed optometrists, or the state board of podiatric medicine created in
158 section 330.100, RSMo, with respect to physician's statements signed by physicians of the foot
159 or podiatrists to determine whether the physician is duly licensed and registered pursuant to law.

160 19. The boards shall cooperate with the director and shall supply information requested
161 pursuant to this subsection. The director shall, in cooperation with the boards which shall assist
162 the director, establish a list of all Missouri physicians and other authorized health care
163 practitioners and of any other information necessary to administer this section.

164 20. Where the owner's application is based on the fact that the vehicle is used at least
165 fifty percent of the time by a physically disabled person, the applicant shall submit a statement
166 stating this fact, in addition to the physician's statement. The statement shall be signed by both
167 the owner of the vehicle and the physically disabled person. The applicant shall be required to
168 submit this statement with each application for license plates. No person shall willingly or
169 knowingly submit a false statement and any such false statement shall be considered perjury and
170 may be punishable pursuant to section 301.420.

171 21. The director of revenue shall retain all physicians' statements and all other documents
172 received in connection with a person's application for disabled license plates and/or disabled
173 windshield placards.

174 22. The director of revenue shall enter into reciprocity agreements with other states or
175 the federal government for the purpose of recognizing disabled person license plates or
176 windshield placards issued to physically disabled persons.

177 23. When a person to whom disabled person license plates or a removable or temporary
178 windshield placard or both have been issued dies, the personal representative of the decedent or
179 such other person who may come into or otherwise take possession of the disabled license plates
180 or disabled windshield placard shall return the same to the director of revenue under penalty of
181 law. Failure to return such plates or placards shall constitute a class B misdemeanor.

182 24. The director of revenue may order any person issued disabled person license plates
183 or windshield placards to submit to an examination by a chiropractor, osteopath, or physician,
184 or to such other investigation as will determine whether such person qualifies for the special
185 plates or placards.

186 25. If such person refuses to submit or is found to no longer qualify for special plates or
187 placards provided for in this section, the director of revenue shall collect the special plates or
188 placards, and shall furnish license plates to replace the ones collected as provided by this chapter.

189 26. In the event a removable or temporary windshield placard is lost, stolen, or mutilated,
190 the lawful holder thereof shall, within five days, file with the director of revenue an application
191 and an affidavit stating such fact, in order to purchase a new placard. The fee for the **temporary**
192 replacement windshield placard shall be four dollars.

193 27. Fraudulent application, renewal, issuance, procurement or use of disabled person
194 license plates or windshield placards shall be a class A misdemeanor. It is a class B
195 misdemeanor for a physician, chiropractor, podiatrist or optometrist to certify that an individual

196 or family member is qualified for a license plate or windshield placard based on a disability, the
197 diagnosis of which is outside their scope of practice or if there is no basis for the diagnosis.

301.144. 1. The director of revenue shall establish and issue special personalized license
2 plates containing letters or numbers or combinations of letters and numbers. Such license plates
3 shall be made with fully reflective material with a common color scheme and design, shall be
4 clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.
5 Any person desiring to obtain a special personalized license plate for any motor vehicle the
6 person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial
7 motor vehicle licensed in excess of eighteen thousand pounds gross weight shall apply to the
8 director of revenue on a form provided by the director and shall pay a fee of fifteen dollars in
9 addition to the regular registration fees. The director of revenue shall issue rules and regulations
10 setting the standards and establishing the procedure for application for and issuance of the special
11 personalized license plates and shall provide a deadline each year for the applications. Any rule
12 or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the
13 authority delegated in this section shall become effective only if it complies with and is subject
14 to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
15 section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the
16 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to
17 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
18 authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void. No
19 two owners shall be issued identical plates. An owner shall make a new application and pay a
20 new fee each year such owner desires to obtain or retain special personalized license plates;
21 however, notwithstanding the provisions of subsection 8 of section 301.130 to the contrary, the
22 director shall allow the special personalized license plates to be replaced with new plates every
23 three years without any additional charge, above the fee established in this section, to the renewal
24 applicant. Any person currently in possession of an approved personalized license plate shall
25 have first priority on that particular plate for each of the following years that timely and
26 appropriate application is made.

27 2. Upon application for a personalized plate by the owner of a motor vehicle for which
28 the owner has no registration plate available for transfer as prescribed by section 301.140, the
29 director shall issue a temporary permit authorizing the operation of the motor vehicle until the
30 personalized plate is issued.

31 3. No personalized license plates shall be issued containing any letters, numbers or
32 combination of letters and numbers which are obscene, profane, patently offensive or
33 contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present
34 an unreasonable danger to the health or safety of the applicant, of other users of streets and

35 highways, or of the public in any location where the vehicle with such a plate may be found. The
36 director may recall any personalized license plates, including those issued prior to August 28,
37 1992, if the director determines that the plates are obscene, profane, patently offensive or
38 contemptuous of a racial or ethnic group, or offensive to good taste or decency, or would present
39 an unreasonable danger to the health or safety of the applicant, of other users of streets and
40 highways, or of the public in any location where the vehicle with such a plate may be found.
41 Where the director recalls such plates pursuant to the provisions of this subsection, the director
42 shall reissue personalized license plates to the owner of the motor vehicle for which they were
43 issued at no charge, if the new plates proposed by the owner of the motor vehicle meet the
44 standards established pursuant to this section. The director shall not apply the provisions of this
45 statute in a way that violates the Missouri or United States Constitutions as interpreted by the
46 courts with controlling authority in the state of Missouri. The primary purpose of motor vehicle
47 licence plates is to identify motor vehicles. Nothing in the issuance of a personalized license
48 plate creates a designated or limited public forum. Nothing contained in this subsection shall be
49 interpreted to prohibit the use of license plates, which are no longer valid for registration
50 purposes, as collector's items or for decorative purposes.

51 4. The director may also establish categories of special license plates from which license
52 plates may be issued. Any such person, other than a person exempted from the additional fee
53 pursuant to subsection 7 of this section, that desires a personalized special license plate from any
54 such category shall pay the same additional fee and make the same kind of application as that
55 required by subsection 1 of this section, and the director shall issue such plates in the same
56 manner as other personalized special license plates are issued.

57 5. The director of revenue shall issue to residents of the state of Missouri who hold an
58 unrevoked and unexpired official amateur radio license issued by the Federal Communications
59 Commission, upon application and upon payment of the additional fee specified in subsection
60 1 of this section, except for a person exempted from the additional fee pursuant to subsection 7
61 of this section, personalized special license plates bearing the official amateur radio call letters
62 assigned by the Federal Communications Commission to the applicant with the words
63 "AMATEUR RADIO" in place of the words "SHOW-ME STATE". The application shall be
64 accompanied by a statement stating that the applicant has an unrevoked and unexpired amateur
65 radio license issued by the Federal Communications Commission and the official radio call
66 letters assigned by the Federal Communications Commission to the applicant. An owner making
67 a new application and paying a new fee to retain an amateur radio plate may request a
68 replacement plate with the words "AMATEUR RADIO" in place of the words "SHOW-ME
69 STATE". If application is made to retain a plate that is three years old or older, the replacement
70 plate shall be issued upon the payment of required fees.

71 6. Notwithstanding any other provision to the contrary, any business that repossesses
72 motor vehicles or trailers and sells or otherwise disposes of them shall be issued a placard
73 displaying the word "Repossessed", provided such business pays the fees presently required of
74 a manufacturer, distributor, or dealer in subsection 1 of section [301.253] **301.560**. Such placard
75 shall bear a number and shall be in such form as the director of revenue shall determine, and
76 shall be only used for demonstrations when displayed substantially as provided for number plates
77 on the rear of the motor vehicle or trailer.

78 7. Notwithstanding any provision of law to the contrary, any person who has retired from
79 any branch of the United States armed forces or reserves, the United States Coast Guard or
80 reserve, the United States Merchant Marines or reserve, the National Guard, or any subdivision
81 of any such services shall be exempt from the additional fee required for personalized license
82 plates issued pursuant to section 301.441. As used in this subsection, "retired" means having
83 served twenty or more years in the appropriate branch of service and having received an
84 honorable discharge.

 301.150. 1. License plates issued to owners of motor vehicles registered pursuant to the
2 monthly series system of registration as provided in section 301.030 shall be removed on the sale
3 or transfer of ownership of such vehicles. The plates, if still current, may thereafter be retained
4 and preserved by the person to whom issued, to be fastened to such other motor vehicles as such
5 person shall thereafter register in the person's name.

6 2. If application for registration of another motor vehicle is not made to the director of
7 revenue within one year following the sale or transfer of ownership of a motor vehicle, the
8 license plates held by the person who sold or transferred ownership of such motor vehicle shall
9 be declared void, and new license plates bearing the same numbers may be issued to another
10 registrant.

11 3. It shall be unlawful to fasten voided plates to any motor vehicle. Violation of this
12 section shall be [deemed a class C misdemeanor] **punishable under section 301.440**.

 301.310. 1. Whenever a law enforcement officer observes a plate to be in such condition
2 as to hinder or make difficult identification of same, he shall notify the director of revenue and
3 instruct the owner to apply for a duplicate plate.

4 2. If the owner has not made application within fifteen days, the director of revenue may
5 cancel such registration and notify the registrant and such cancellation shall remain in force until
6 the application has been filed.

7 3. The director of revenue may at his discretion replace worn plates without cost to the
8 registrant.

9 4. Failure to surrender a mutilated or worn plate for which duplicate has been issued
10 shall [be deemed a misdemeanor] **punishable under section 301.440**.

301.420. No person shall willfully or knowingly make a false statement in any application for the registration of a motor vehicle or trailer, or as a dealer, or in an application for or assignment of a certificate of ownership. All blanks or forms issued by the director of revenue for the purpose of making application for registration of certificate of ownership shall conspicuously bear on the face thereof the following words: "Any false statement in this application is a violation of the law and may be punished by fine or imprisonment or both".

Violation of this section shall be a class C misdemeanor.

301.440. Any person who violates any provision of sections 301.010 to 301.440 for which no specific punishment is provided shall upon [conviction] **a plea or finding of guilt** thereof be [punished] **guilty of an infraction punishable** by a fine of not less than five dollars or more than five hundred dollars [or by imprisonment in the county jail for a term not exceeding one year, or by both the fine and imprisonment].

301.560. 1. In addition to the application forms prescribed by the department, each applicant shall submit the following to the department:

(1) Every application other than a renewal application for a motor vehicle franchise dealer shall include a certification that the applicant has a bona fide established place of business. When the application is being made for licensure as a manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, wholesale motor vehicle auction or a public motor vehicle auction, certification shall be performed by a uniformed member of the Missouri state highway patrol stationed in the troop area in which the applicant's place of business is located; except, that in counties of the first classification, certification may be performed by an officer of a metropolitan police department when the applicant's established place of business of distributing or selling motor vehicles or trailers is in the metropolitan area where the certifying metropolitan police officer is employed. When the application is being made for licensure as a boat manufacturer or boat dealer, certification shall be performed by a uniformed member of the Missouri state water patrol stationed in the district area in which the applicant's place of business is located or by a uniformed member of the Missouri state highway patrol stationed in the troop area in which the applicant's place of business is located or, if the applicant's place of business is located within the jurisdiction of a metropolitan police department in a first class county, by an officer of such metropolitan police department. A bona fide established place of business for any new motor vehicle franchise dealer or used motor vehicle dealer shall include a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading or exchanging of motor vehicles or trailers and wherein the public may contact the owner or operator at any reasonable time, and wherein shall be kept and maintained the books, records, files and other matters required and necessary to conduct the business. The applicant's place of business shall contain a working

25 telephone which shall be maintained during the entire registration year. In order to qualify as a
26 bona fide established place of business for all applicants licensed pursuant to this section there
27 shall be an exterior sign displayed carrying the name of the business set forth in letters at least
28 six inches in height and clearly visible to the public and there shall be an area or lot which shall
29 not be a public street on which one or more vehicles may be displayed, except when licensure
30 is for a wholesale motor vehicle dealer, a lot and sign shall not be required. The sign shall
31 contain the name of the dealership by which it is known to the public through advertising or
32 otherwise, which need not be identical to the name appearing on the dealership's license so long
33 as such name is registered as a fictitious name with the secretary of state, has been approved by
34 its line-make manufacturer in writing in the case of a new motor vehicle franchise dealer and a
35 copy of such fictitious name registration has been provided to the department. When licensure
36 is for a boat dealer, a lot shall not be required. In the case of new motor vehicle franchise
37 dealers, the bona fide established place of business shall include adequate facilities, tools and
38 personnel necessary to properly service and repair motor vehicles and trailers under their
39 franchisor's warranty;

40 (2) If the application is for licensure as a manufacturer, boat manufacturer, new motor
41 vehicle franchise dealer, used motor vehicle dealer, wholesale motor vehicle auction, boat dealer
42 or a public motor vehicle auction, a photograph, not to exceed eight inches by ten inches,
43 showing the business building and sign shall accompany the initial application. In the case of
44 a manufacturer, new motor vehicle franchise dealer or used motor vehicle dealer, the photograph
45 shall include the lot of the business. A new motor vehicle franchise dealer applicant who has
46 purchased a currently licensed new motor vehicle franchised dealership shall be allowed to
47 submit a photograph of the existing dealership building, lot and sign but shall be required to
48 submit a new photograph upon the installation of the new dealership sign as required by sections
49 301.550 to 301.573. Applicants shall not be required to submit a photograph annually unless the
50 business has moved from its previously licensed location, or unless the name of the business or
51 address has changed, or unless the class of business has changed;

52 (3) If the application is for licensure as a wholesale motor vehicle dealer or as a boat
53 dealer, the application shall contain the business address, not a post office box, and telephone
54 number of the place where the books, records, files and other matters required and necessary to
55 conduct the business are located and where the same may be inspected during normal daytime
56 business hours. Wholesale motor vehicle dealers and boat dealers shall file reports as required
57 of new franchised motor vehicle dealers and used motor vehicle dealers;

58 (4) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer,
59 a wholesale motor vehicle dealer, or boat dealer shall furnish with the application a corporate
60 surety bond or an irrevocable letter of credit as defined in section 400.5-103, RSMo, issued by

61 any state or federal financial institution in the penal sum of twenty-five thousand dollars on a
62 form approved by the department. The bond or irrevocable letter of credit shall be conditioned
63 upon the dealer complying with the provisions of the statutes applicable to new motor vehicle
64 franchise dealers, used motor vehicle dealers, wholesale motor vehicle dealers and boat dealers,
65 and the bond shall be an indemnity for any loss sustained by reason of the acts of the person
66 bonded when such acts constitute grounds for the suspension or revocation of the dealer's license.
67 The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved
68 parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary;
69 except, that the aggregate liability of the surety or financial institution to the aggrieved parties
70 shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds
71 of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final
72 judgment from a Missouri court of competent jurisdiction against the principal and in favor of
73 an aggrieved party;

74 (5) Payment of all necessary license fees as established by the department. In
75 establishing the amount of the annual license fees, the department shall, as near as possible,
76 produce sufficient total income to offset operational expenses of the department relating to the
77 administration of sections 301.550 to 301.573. All fees payable pursuant to the provisions of
78 sections 301.550 to 301.573, other than those fees collected for the issuance of dealer plates or
79 certificates of number collected pursuant to subsection 6 of this section, shall be collected by the
80 department for deposit in the state treasury to the credit of the "Motor Vehicle Commission
81 Fund", which is hereby created. The motor vehicle commission fund shall be administered by
82 the Missouri department of revenue. The provisions of section 33.080, RSMo, to the contrary
83 notwithstanding, money in such fund shall not be transferred and placed to the credit of the
84 general revenue fund until the amount in the motor vehicle commission fund at the end of the
85 biennium exceeds two times the amount of the appropriation from such fund for the preceding
86 fiscal year or, if the department requires permit renewal less frequently than yearly, then three
87 times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the
88 fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation
89 from such fund for the preceding fiscal year.

90 2. In the event a new manufacturer, boat manufacturer, motor vehicle dealer, wholesale
91 motor vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle
92 auction submits an application for a license for a new business and the applicant has complied
93 with all the provisions of this section, the department shall make a decision to grant or deny the
94 license to the applicant within eight working hours after receipt of the dealer's application,
95 notwithstanding any rule of the department.

3. Upon the initial issuance of a license by the department, the department shall assign a distinctive dealer license number or certificate of number to the applicant and the department shall issue one number plate or certificate bearing the distinctive dealer license number or certificate of number within eight working hours after presentment of the application. Upon the renewal of a boat dealer, boat manufacturer, manufacturer, motor vehicle dealer, public motor vehicle auction, wholesale motor vehicle dealer or wholesale motor vehicle auction, the department shall issue the distinctive dealer license number or certificate of number as quickly as possible. The issuance of such distinctive dealer license number or certificate of number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle auction or motor vehicle dealer.

4. Notwithstanding any other provision of the law to the contrary, the department shall assign the following distinctive dealer license numbers to:

New motor vehicle franchise dealers

and manufacturers D-0 through [D-999] **D-1999**

[New motor vehicle franchise and commercial

motor vehicle dealers D-1000 through D-1999]

Used motor vehicle dealers, **trailer dealers,**

and trailer manufacturers D-2000 through D-5399

and D-6000 through D-9999

Wholesale motor vehicle dealers W-1000 through W-1999

Wholesale motor vehicle auctions W-2000 through W-2999

[Trailer dealers T-0 through T-9999

Motor vehicle and trailer manufacturers M-0 through M-9999]

Motorcycle dealers D-5400 through D-5999

Public motor vehicle auctions A-1000 through A-1999

Boat dealers and boat manufacturers [B] M-0 through [B] M-9999

5. Upon the sale of a currently licensed new motor vehicle franchise dealership the department shall, upon request, authorize the new approved dealer applicant to retain the selling dealer's license number and shall cause the new dealer's records to indicate such transfer.

6. In the case of manufacturers and motor vehicle dealers, the department shall also issue one number plate bearing the distinctive dealer license number to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be entitled to one certificate of number bearing such number upon the

132 payment of a fifty dollar fee. As many additional number plates as may be desired by
133 manufacturers and motor vehicle dealers and as many additional certificates of number as may
134 be desired by boat dealers and boat manufacturers may be obtained upon payment of a fee of ten
135 dollars and fifty cents for each additional plate or certificate. A motor vehicle dealer, boat dealer,
136 manufacturer, boat manufacturer, public motor vehicle auction, wholesale motor vehicle dealer
137 or wholesale motor vehicle auction obtaining a dealer license plate or certificate of number or
138 additional license plate or additional certificate of number, throughout the calendar year, shall
139 be required to pay a fee for such license plates or certificates of number computed on the basis
140 of one-twelfth of the full fee prescribed for the original and duplicate number plates or
141 certificates of number for such dealers' licenses, multiplied by the number of months remaining
142 in the licensing period for which the dealer or manufacturers shall be required to be licensed.
143 In the event of a renewing dealer, the fee due at the time of renewal shall not be prorated.

144 7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any
145 motor vehicle owned and held for resale by the motor vehicle dealer or manufacturer, and used
146 by a customer who is test driving the motor vehicle, or is used by an employee or officer, but
147 shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any
148 regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates
149 on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition.

150 8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be
151 displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a
152 boat dealer, and used by a customer who is test driving the vessel or vessel trailer, or is used by
153 an employee or officer, but shall not be displayed on any vessel or vessel trailer hired or loaned
154 to others or upon any regularly used service vessel or vessel trailer. Boat dealers and
155 manufacturers may display their certificate of number on a vessel or vessel trailer which is being
156 transported to an exhibit or show.

**301.569. 1. An out-of-state show promoter of recreational vehicles, as that term is
2 defined in section 700.010, RSMo, may hold recreational vehicle shows or exhibits with
3 recreational vehicles within this state if the following conditions exist:**

4 **(1) The show or exhibition has a minimum of ten recreational vehicle dealers
5 licensed as motor vehicle dealers in this state; and**

6 **(2) More than fifty percent of the participating recreational vehicle dealers are
7 licensed motor vehicle dealers in this state.**

8 **2. A violation of subsection 1 of this section shall result in a five thousand dollar
9 fine.**

**301.716. 1. Any violation of the provisions of sections 301.700 to 301.714 shall be
2 an infraction. An arrest or service of summons for violations of the provisions of sections**

3 301.700 to 301.714 and section 577.065, RSMo, or the provisions of this chapter, chapter 304,
4 RSMo, or 307, RSMo, as such provisions relate to all-terrain vehicles may be made by the duly
5 authorized law enforcement officer of any political subdivision of the state, the highway patrol
6 and the state water patrol.

7 2. Violations of sections 301.700 to 301.714 and section 577.065, RSMo, or the
8 provisions of this chapter, chapter 304, RSMo, or 307, RSMo, as such provisions relate to
9 all-terrain vehicles or any rule or order hereunder may be referred to the proper prosecuting
10 attorney or circuit attorney who may, with or without such reference, institute appropriate
11 [criminal] proceedings.

12 3. Nothing in sections 301.700 to 301.714 and section 577.065, RSMo, or the provisions
13 of this chapter, chapter 304, RSMo, or 307, RSMo, as such provisions relate to all-terrain
14 vehicles limits the power of the state to punish any person for any conduct which constitutes a
15 crime by statute or at common law.

**301.2998. Notwithstanding any other provisions of this chapter, which establishes
2 the issuance of a specialty plate, if no applications for such plate have been received within
3 five years from the effective date of the section authorizing the plate, then the department
4 of revenue no longer will be required to accept applications and issue such plate.**

302.171. 1. Beginning July 1, 2005, the director shall verify that an applicant for a
2 driver's license is lawfully present in the United States before accepting the application. The
3 director shall not issue a driver's license for a period that exceeds an applicant's lawful presence
4 in the United States. The director may establish procedures to verify the lawful presence of the
5 applicant and establish the duration of any driver's license issued under this section. An
6 application for a license shall be made upon an approved form furnished by the director. Every
7 application shall state the full name, Social Security number, age, height, weight, color of eyes,
8 sex, residence, mailing address of the applicant, and the classification for which the applicant
9 has been licensed, and, if so, when and by what state, and whether or not such license has ever
10 been suspended, revoked, or disqualified, and, if revoked, suspended or disqualified, the date and
11 reason for such suspension, revocation or disqualification and whether the applicant is making
12 a one dollar donation to promote an organ donation program as prescribed in subsection 2 of this
13 section. A driver's license, nondriver's license, or instruction permit issued under this chapter
14 shall contain the applicant's legal name as it appears on a birth certificate or as legally changed
15 through marriage or court order. No name change by common usage based on common law shall
16 be permitted. The application shall also contain such information as the director may require to
17 enable the director to determine the applicant's qualification for driving a motor vehicle; and
18 shall state whether or not the applicant has been convicted in this or any other state for violating
19 the laws of this or any other state or any ordinance of any municipality, relating to driving

20 without a license, careless driving, or driving while intoxicated, or failing to stop after an
21 accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's
22 consent. The application shall contain a certification by the applicant as to the truth of the facts
23 stated therein. Every person who applies for a license to operate a motor vehicle who is less than
24 twenty-one years of age shall be provided with educational materials relating to the hazards of
25 driving while intoxicated, including information on penalties imposed by law for violation of the
26 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than
27 eighteen years of age, the applicant must comply with all requirements for the issuance of an
28 intermediate driver's license pursuant to section 302.178.

29 2. An applicant for a license may make a donation of one dollar to promote an organ
30 donor program. The director of revenue shall collect the donations and deposit all such
31 donations in the state treasury to the credit of the organ donor program fund established in
32 sections 194.297 to 194.304, RSMo. Moneys in the organ donor program fund shall be used
33 solely for the purposes established in sections 194.297 to 194.304, RSMo, except that the
34 department of revenue shall retain no more than one percent for its administrative costs. The
35 donation prescribed in this subsection is voluntary and may be refused by the applicant for the
36 license at the time of issuance or renewal of the license. The director shall make available an
37 informational booklet or other informational sources on the importance of organ donations to
38 applicants for licensure as designed by the organ donation advisory committee established in
39 sections 194.297 to 194.304, RSMo. The director shall inquire of each applicant at the time the
40 licensee presents the completed application to the director whether the applicant is interested in
41 making the one dollar donation prescribed in this subsection and whether the applicant is
42 interested in inclusion in the organ donor registry and shall also specifically inform the licensee
43 of the ability to consent to organ donation by completing the form on the reverse of the license
44 that the applicant will receive in the manner prescribed by subsection 6 of section 194.240,
45 RSMo. The director shall notify the department of health and senior services of information
46 obtained from applicants who indicate to the director that they are interested in registry
47 participation, and the department of health and senior services shall enter the complete name,
48 address, date of birth, race, gender and a unique personal identifier in the registry established in
49 subsection 1 of section 194.304, RSMo.

50 3. An applicant for a license may make a donation of one dollar to promote a blindness
51 education, screening and treatment program. The director of revenue shall collect the donations
52 and deposit all such donations in the state treasury to the credit of the blindness education,
53 screening and treatment program fund established in section 192.935, RSMo. Moneys in the
54 blindness education, screening and treatment program fund shall be used solely for the purposes
55 established in section 192.935, RSMo, except that the department of revenue shall retain no more

56 than one percent for its administrative costs. The donation prescribed in this subsection is
57 voluntary and may be refused by the applicant for the license at the time of issuance or renewal
58 of the license. The director shall inquire of each applicant at the time the licensee presents the
59 completed application to the director whether the applicant is interested in making the one dollar
60 donation prescribed in this subsection.

61 4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who
62 commits fraud or deception during the examination process or who makes application for an
63 instruction permit, driver's license, or nondriver's license which contains or is substantiated with
64 false or fraudulent information or documentation, or who knowingly conceals a material fact or
65 otherwise commits a fraud in any such application. The period of denial shall be one year from
66 the effective date of the denial notice sent by the director. The denial shall become effective ten
67 days after the date the denial notice is mailed to the person. The notice shall be mailed to the
68 person at the last known address shown on the person's driving record. The notice shall be
69 deemed received three days after mailing unless returned by the postal authorities. No such
70 individual shall reapply for a driver's examination, instruction permit, driver's license, or
71 nondriver's license until the period of denial is completed. No individual who is denied the
72 driving privilege under this section shall be eligible for a limited driving privilege issued under
73 section 302.309.

74 5. All appeals of denials under this section shall be made as required by section 302.311.

75 6. The period of limitation for criminal prosecution under this section shall be extended
76 under subdivision (1) of subsection 3 of section 556.036, RSMo.

77 7. The director may promulgate rules and regulations necessary to administer and enforce
78 this section. No rule or portion of a rule promulgated pursuant to the authority of this section
79 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

80 **8. Notwithstanding any other provision of this chapter that requires an applicant**
81 **to provide proof of lawful presence for renewal of a noncommercial driver's license,**
82 **noncommercial instruction permit, or nondriver's license, an applicant who is sixty-five**
83 **years of age or older and who was previously issued a Missouri noncommercial driver's**
84 **license, noncommercial instruction permit, or Missouri nondriver's license or an applicant**
85 **who has previously held for a period of fifteen years or more a noncommercial driver's**
86 **license, noncommercial instruction permit, or nondriver's license is exempt from showing**
87 **proof of lawful presence.**

302.545. 1. Any person who is less than twenty-one years of age and whose driving
2 privilege has been suspended or revoked, for a first determination under sections 302.500 to
3 302.540, that such person was driving with two-hundredths of one percent of blood alcohol
4 content, shall have all official records and all recordations maintained by the department of

5 revenue of such suspension or revocation expunged two years after the date of such suspension
6 or revocation, or when such person attains the age of twenty-one, whichever date first occurs.
7 Such expungement shall be performed by the department of revenue without need of a court
8 order. No records shall be expunged if the person was found guilty or pled guilty to operating
9 a commercial motor vehicle, as defined in section 302.700, **or if the person was holding a**
10 **commercial driver's license at the time of the offense** with a blood alcohol content of at least
11 four-hundredths of one percent.

12 2. The provisions of this section shall not apply to any person whose license is suspended
13 or revoked for a second or subsequent time pursuant to subsection 1 of this section or who is
14 convicted of any alcohol-related driving offense before the age of twenty-one including, but not
15 limited to:

16 (1) Driving while intoxicated pursuant to section 577.010, RSMo; or

17 (2) Driving with excessive blood alcohol content pursuant to section 577.012, RSMo.
302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial
2 Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and phrases mean:

4 (1) "Alcohol", any substance containing any form of alcohol, including, but not limited
5 to, ethanol, methanol, propanol and isopropanol;

6 (2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters
7 of blood or the number of grams of alcohol per two hundred ten liters of breath or the number
8 of grams of alcohol per sixty-seven milliliters of urine;

9 (3) "Commercial driver's instruction permit", a permit issued pursuant to section
10 302.720;

11 (4) "Commercial driver's license", a license issued by this state to an individual which
12 authorizes the individual to operate a commercial motor vehicle;

13 (5) "Commercial driver's license information system", the information system established
14 pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570)
15 to serve as a clearinghouse for locating information related to the licensing and identification of
16 commercial motor vehicle drivers;

17 (6) "Commercial motor vehicle", a motor vehicle designed or used to transport
18 passengers or property:

19 (a) If the vehicle has a gross combination weight rating of twenty-six thousand one or
20 more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand
21 one pounds or more;

22 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more
23 pounds or such lesser rating as determined by federal regulation;

- 24 (c) If the vehicle is designed to transport sixteen or more passengers, including the
25 driver; or
- 26 (d) If the vehicle is transporting hazardous materials and is required to be placarded
27 under the Hazardous Materials Transportation Act (46 U.S.C. 1801 et seq.);
- 28 (7) "Controlled substance", any substance so classified under Section 102(6) of the
29 Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed in schedules
30 I through V of 21 CFR part 1308, as they may be revised from time to time;
- 31 (8) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo
32 contendere, or a determination that a person has violated or failed to comply with the law in a
33 court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture
34 of bail or collateral deposited to secure the person's appearance in court, the payment of a fine
35 or court cost, or violation of a condition of release without bail, regardless of whether the penalty
36 is rebated, suspended or prorated, **including an offense for failure to appear or pay**;
- 37 (9) "Director", the director of revenue or his authorized representative;
- 38 (10) "Disqualification", any of the following three actions:
- 39 (a) The suspension, revocation, or cancellation of a commercial driver's license;
- 40 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a
41 state as the result of a violation of federal, state, county, municipal, or local law relating to motor
42 vehicle traffic control or violations committed through the operation of motor vehicles, other
43 than parking, vehicle weight, or vehicle defect violations;
- 44 (c) A determination by the Federal Motor Carrier Safety Administration that a person
45 is not qualified to operate a commercial motor vehicle under 49 CFR Part 383.52 or Part 391;
- 46 (11) "Drive", to drive, operate or be in physical control of a commercial motor vehicle;
- 47 (12) "Driver", any person who drives, operates, or is in physical control of a motor
48 vehicle, or who is required to hold a commercial driver's license;
- 49 (13) "Driving under the influence of alcohol", the commission of any one or more of the
50 following acts:
- 51 (a) Driving a commercial motor vehicle with the alcohol concentration of four
52 one-hundredths of a percent or more as prescribed by the secretary or such other alcohol
53 concentration as may be later determined by the secretary by regulation;
- 54 (b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation
55 of any federal or state law, or in violation of a county or municipal ordinance;
- 56 (c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol
57 content in violation of any federal or state law, or in violation of a county or municipal
58 ordinance;

59 (d) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section
60 302.750, any federal or state law, or a county or municipal ordinance; or

61 (e) Having any state, county or municipal alcohol-related enforcement contact, as defined
62 in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to
63 section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years
64 of age or older shall have been committed by the person with an alcohol concentration of at least
65 eight-hundredths of one percent or more, or in the case of an individual who is less than
66 twenty-one years of age, shall have been committed by the person with an alcohol concentration
67 of at least two-hundredths of one percent or more, and if committed in a commercial motor
68 vehicle, a concentration of four-hundredths of one percent or more;

69 (14) "Driving under the influence of a controlled substance", the commission of any one
70 or more of the following acts in a commercial or noncommercial motor vehicle:

71 (a) Driving a commercial or noncommercial motor vehicle while under the influence of
72 any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C.
73 802(6)), including any substance listed in schedules I through V of 21 CFR Part 1308, as they
74 may be revised from time to time;

75 (b) Driving a commercial or noncommercial motor vehicle while in a drugged condition
76 in violation of any federal or state law or in violation of a county or municipal ordinance; or

77 (c) Refusing to submit to a chemical test in violation of section 577.041, RSMo, section
78 302.750, any federal or state law, or a county or municipal ordinance;

79 (15) "Employer", any person, including the United States, a state, or a political
80 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to
81 operate such a vehicle;

82 (16) "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer
83 used exclusively for the transportation of agricultural products, farm machinery, farm supplies,
84 or a combination of these, within one hundred fifty miles of the farm, other than one which
85 requires placarding for hazardous materials as defined in this section, or used in the operation
86 of a common or contract motor carrier, except that a farm vehicle shall not be a commercial
87 motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand
88 one pounds when transporting fertilizers as defined in subdivision (21) of this subsection;

89 (17) "Fatality", the death of a person as a result of a motor vehicle accident;

90 (18) "Felony", any offense under state or federal law that is punishable by death or
91 imprisonment for a term exceeding one year;

92 (19) "Gross combination weight rating" or "GCWR", the value specified by the
93 manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a

94 value specified by the manufacturer, GCWR will be determined by adding the GVWR of the
95 power unit and the total weight of the towed unit and any load thereon;

96 (20) "Gross vehicle weight rating" or "GVWR", the value specified by the manufacturer
97 as the loaded weight of a single vehicle;

98 (21) "Hazardous materials", hazardous materials as specified in Section 103 of the
99 Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.). Fertilizers, including but not
100 limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel
101 or special fuel, shall not be considered hazardous materials when transported by a farm vehicle
102 provided all other provisions of this definition are followed;

103 (22) "Imminent hazard", the existence of a condition that presents a substantial
104 likelihood that death, serious illness, severe personal injury, or a substantial endangerment to
105 health, property, or the environment may occur before the reasonably foreseeable completion
106 date of a formal proceeding begins to lessen the risk of that death, illness, injury, or
107 endangerment;

108 (23) "Issuance", the initial licensure, license transfers, license renewals, and license
109 upgrades;

110 (24) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;

111 (25) "Noncommercial motor vehicle", a motor vehicle or combination of motor vehicles
112 not defined by the term "commercial motor vehicle" in this section;

113 (26) "Out of service", a temporary prohibition against the operation of a commercial
114 motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle,
115 or the operation of a particular motor carrier;

116 (27) "Out-of-service order", a declaration by the Federal Highway Administration, or any
117 authorized enforcement officer of a federal, state, Commonwealth of Puerto Rico, Canadian,
118 Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier
119 operation, is out of service;

120 (28) "School bus", a commercial motor vehicle used to transport preprimary, primary,
121 or secondary school students from home to school, from school to home, or to and from
122 school-sponsored events. School bus does not include a bus used as a common carrier as defined
123 by the Secretary;

124 (29) "Secretary", the Secretary of Transportation of the United States;

125 (30) "Serious traffic violation", driving a commercial motor vehicle in such a manner
126 that the driver receives a conviction for the following offenses or driving a noncommercial motor
127 vehicle when the driver receives a conviction for the following offenses and the conviction
128 results in the suspension or revocation of the driver's license or noncommercial motor vehicle
129 driving privilege;

- 130 (a) Excessive speeding, as defined by the Secretary by regulation;
- 131 (b) Careless, reckless or imprudent driving which includes, but shall not be limited to,
- 132 any violation of section 304.016, RSMo, any violation of section 304.010, RSMo, or any other
- 133 violation of federal or state law, or any county or municipal ordinance while driving a
- 134 commercial motor vehicle in a willful or wanton disregard for the safety of persons or property,
- 135 or improper or erratic traffic lane changes, or following the vehicle ahead too closely, but shall
- 136 not include careless and imprudent driving by excessive speed;
- 137 (c) A violation of any federal or state law or county or municipal ordinance regulating
- 138 the operation of motor vehicles arising out of an accident or collision which resulted in death to
- 139 any person, other than a parking violation;
- 140 (d) Driving a commercial motor vehicle without obtaining a commercial driver's license
- 141 in violation of any federal or state or county or municipal ordinance;
- 142 (e) Driving a commercial motor vehicle without a commercial driver's license in the
- 143 driver's possession in violation of any federal or state or county or municipal ordinance. Any
- 144 individual who provides proof to the court which has jurisdiction over the issued citation that the
- 145 individual held a valid commercial driver's license on the date that the citation was issued shall
- 146 not be guilty of this offense;
- 147 (f) Driving a commercial motor vehicle without the proper commercial driver's license
- 148 class or endorsement for the specific vehicle group being operated or for the passengers or type
- 149 of cargo being transported in violation of any federal or state law or county or municipal
- 150 ordinance; or
- 151 (g) Any other violation of a federal or state law or county or municipal ordinance
- 152 regulating the operation of motor vehicles, other than a parking violation, as prescribed by the
- 153 secretary by regulation;
- 154 (31) "State", a state, territory or possession of the United States, the District of
- 155 Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of Canada;
- 156 (32) "United States", the fifty states and the District of Columbia.

302.720. 1. Except when operating under an instruction permit as described in this

2 section, no person may drive a commercial motor vehicle unless the person has been issued a

3 commercial driver's license with applicable endorsements valid for the type of vehicle being

4 operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit

5 shall allow the holder of a valid license to operate a commercial motor vehicle when

6 accompanied by the holder of a commercial driver's license valid for the vehicle being operated

7 and who occupies a seat beside the individual, or reasonably near the individual in the case of

8 buses, for the purpose of giving instruction in driving the commercial motor vehicle. A

9 commercial driver's instruction permit shall be valid for the vehicle being operated for a period

10 of not more than six months, and shall not be issued until the permit holder has met all other
11 requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless
12 otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee
13 for such permit or renewal shall be five dollars. In the alternative, a commercial driver's
14 instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's
15 license to operate a commercial motor vehicle if the applicant has completed all other
16 requirements except the driving test. The permit may be renewed for one additional thirty-day
17 period and the fee for the permit and for renewal shall be five dollars.

18 2. No person may be issued a commercial driver's license until he has passed written and
19 driving tests for the operation of a commercial motor vehicle which complies with the minimum
20 federal standards established by the Secretary and has satisfied all other requirements of the
21 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any
22 other requirements imposed by state law. Applicants for a hazardous materials endorsement
23 must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56)
24 as specified and required by regulations promulgated by the Secretary. Nothing contained in this
25 subsection shall be construed as prohibiting the director from establishing alternate testing
26 formats for those who are functionally illiterate; provided, however, that any such alternate test
27 must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of
28 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

29 (1) The written and driving tests shall be held at such times and in such places as the
30 superintendent may designate. A twenty-five dollar examination fee shall be paid by the
31 applicant upon completion of any written or driving test. The director shall delegate the power
32 to conduct the examinations required under sections 302.700 to 302.780 to any member of the
33 highway patrol or any person employed by the highway patrol qualified to give driving
34 examinations.

35 (2) The director shall adopt and promulgate rules and regulations governing the
36 certification of third-party testers by the department of revenue. Such rules and regulations shall
37 substantially comply with the requirements of 49 CFR Part 383, Section 383.75. A certification
38 to conduct third-party testing shall be valid for one year, and the department shall charge a fee
39 of one hundred dollars to issue or renew the certification of any third-party tester. Any
40 third-party tester who violates any of the rules and regulations adopted and promulgated pursuant
41 to this section shall be subject to having his certification revoked by the department. The
42 department shall provide written notice and an opportunity for the third-party tester to be heard
43 in substantially the same manner as provided in chapter 536, RSMo. If any applicant submits
44 evidence that he has successfully completed a test administered by a third-party tester, the actual
45 driving test for a commercial driver's license may then be waived.

46 **(3) Beginning August 28, 2006, the director shall only issue or renew third-party**
47 **tester certification to private companies who operate on the campus of a junior college or**
48 **community college established under chapter 178, RSMo, or to private companies who own**
49 **and maintain their own fleet and administer in-house testing to employees or to school**
50 **districts and their agents.**

51 **(4)** Every applicant for renewal of a commercial driver's license shall provide such
52 certifications and information as required by the secretary and if such person transports a
53 hazardous material must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of
54 Public Law 107-56) as specified and required by regulations promulgated by the secretary[.] .
55 Such person shall be required to take the written test for such endorsement. A twenty-five dollar
56 examination fee shall be paid upon completion of such tests.

57 3. A commercial driver's license may not be issued to a person while the person is
58 disqualified from driving a commercial motor vehicle, when a disqualification is pending in any
59 state or while the person's driver's license is suspended, revoked, or canceled in any state; nor
60 may a commercial driver's license be issued unless the person first surrenders in a manner
61 prescribed by the director any commercial driver's license issued by another state, which license
62 shall be returned to the issuing state for cancellation.

63 4. Beginning July 1, 2005, the director shall not issue an instruction permit under this
64 section unless the director verifies that the applicant is lawfully present in the United States
65 before accepting the application. The director may, by rule or regulation, establish procedures
66 to verify the lawful presence of the applicant under this section. No rule or portion of a rule
67 promulgated pursuant to the authority of this section shall become effective unless it has been
68 promulgated pursuant to chapter 536, RSMo.

 302.755. 1. A person is disqualified from driving a commercial motor vehicle for a
2 period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled substance;

4 (2) Driving a commercial motor vehicle which causes a fatality through the negligent
5 operation of the commercial motor vehicle, including but not limited to the crimes of vehicular
6 manslaughter, homicide by motor vehicle, and negligent homicide;

7 (3) Driving a commercial motor vehicle while revoked pursuant to section 302.727;

8 (4) Leaving the scene of an accident involving a commercial or noncommercial motor
9 vehicle operated by the person;

10 (5) Using a commercial or noncommercial motor vehicle in the commission of any
11 felony, as defined in section 302.700, except a felony as provided in subsection 4 of this section.

12 2. If any of the violations described in subsection 1 of this section occur while

13 transporting a hazardous material the person is disqualified for a period of not less than three
14 years.

15 3. Any person is disqualified from operating a commercial motor vehicle for life if
16 convicted of two or more violations of any of the offenses specified in subsection 1 of this
17 section, or any combination of those offenses, arising from two or more separate incidents. The
18 director may issue rules and regulations, in accordance with guidelines established by the
19 secretary, under which a disqualification for life under this section may be reduced to a period
20 of not less than ten years.

21 4. Any person is disqualified from driving a commercial motor vehicle for life who uses
22 a commercial or noncommercial motor vehicle in the commission of any felony involving the
23 manufacture, distribution, or dispensing of a controlled substance, or possession with intent to
24 manufacture, distribute, or dispense a controlled substance.

25 5. Any person is disqualified from operating a commercial motor vehicle for a period
26 of not less than sixty days if convicted of two serious traffic violations or one hundred twenty
27 days if convicted of three serious traffic violations, arising from separate incidents occurring
28 within a three-year period.

29 6. Any person found to be operating a commercial motor vehicle while having any
30 measurable alcohol concentration shall immediately be issued a continuous twenty-four-hour
31 out-of-service order by a law enforcement officer in this state.

32 7. Any person who is convicted of operating a commercial motor vehicle beginning at
33 the time of issuance of the out-of-service order until its expiration is guilty of a class A
34 misdemeanor.

35 8. Any person convicted for the first time of driving while out of service shall be
36 disqualified from driving a commercial motor vehicle for a period of ninety days.

37 9. Any person convicted of driving while out of service on a second occasion during any
38 ten-year period, involving separate incidents, shall be disqualified for a period of one year.

39 10. Any person convicted of driving while out of service on a third or subsequent
40 occasion during any ten-year period, involving separate incidents, shall be disqualified for a
41 period of three years.

42 11. Any person convicted of a first violation of an out-of-service order while transporting
43 hazardous materials or while operating a motor vehicle designed to transport sixteen or more
44 passengers, including the driver, is disqualified for a period of one hundred eighty days.

45 12. Any person convicted of any subsequent violation of an out-of-service order in a
46 separate incident within ten years after a previous violation, while transporting hazardous
47 materials or while operating a motor vehicle designed to transport fifteen passengers, including
48 the driver, is disqualified for a period of three years.

49 13. Any person convicted of any other offense as specified by regulations promulgated
50 by the Secretary of Transportation shall be disqualified in accordance with such regulations.

51 14. After suspending, revoking, canceling or disqualifying a driver, the director shall
52 update records to reflect such action and notify a nonresident's licensing authority and the
53 commercial driver's license information system within ten days in the manner prescribed in 49
54 CFR Part 384, or as amended by the Secretary.

55 15. Any person disqualified from operating a commercial motor vehicle pursuant to
56 subsection 1, 2, 3 or 4 of this section shall have such commercial driver's license canceled, and
57 upon conclusion of the period of disqualification shall take the written and driving tests and meet
58 all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation
59 shall not be withdrawn by the director until such person reapplies for a commercial driver's
60 license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

61 16. The director shall disqualify a driver upon receipt of notification that the Secretary
62 has determined a driver to be an imminent hazard pursuant to 49 CFR, Part 383.52. Due process
63 of a disqualification determined by the Secretary pursuant to this section shall be held in
64 accordance with regulations promulgated by the Secretary. The period of disqualification
65 determined by the Secretary pursuant to this section shall be served concurrently to any other
66 period of disqualification which may be imposed by the director pursuant to this section. Both
67 disqualifications shall appear on the driving record of the driver.

68 **17. The director shall disqualify a commercial license holder or operator of a**
69 **commercial vehicle from operation of any commercial motor vehicle upon receipt of a**
70 **conviction for an offense of failure to appear or pay, and such disqualification shall remain**
71 **in effect until the director receives notice that the person has complied with the**
72 **requirement to appear or pay.**

 302.775. The provisions of sections 302.700 to 302.780 shall not apply to:

- 2 (1) Any person driving a farm vehicle as defined in section 302.700;
- 3 (2) Any active duty military personnel, members of the reserves and national guard on
4 active duty, including personnel on full-time national guard duty, personnel on part-time training
5 and national guard military technicians, while driving [military] vehicles for military purposes;
- 6 (3) Any person who drives emergency or fire equipment necessary to the preservation
7 of life or property or the execution of emergency governmental functions under emergency
8 conditions;
- 9 (4) Any person qualified to operate the equipment under subdivision (3) of this section
10 when operating such equipment in other functions such as parades, special events, repair, service
11 or other authorized movements;

12 (5) Any person driving or pulling a recreational vehicle, as defined in sections 301.010
13 and 700.010, RSMo, for personal use; and

14 (6) Any other class of persons exempted by rule or regulation of the director, which rule
15 or regulation is in compliance with the Commercial Motor Vehicle Safety Act of 1986 and any
16 amendments or regulations drafted to that act.

304.013. 1. No person shall operate an all-terrain vehicle, as defined in **subsection 7 of**
2 **this section and** section 301.010, RSMo, upon the highways of this state, except as follows:

3 (1) All-terrain vehicles owned and operated by a governmental entity for official use;

4 (2) All-terrain vehicles operated for agricultural purposes or industrial on-premises
5 purposes between the official sunrise and sunset on the day of operation;

6 (3) All-terrain vehicles operated by handicapped persons for short distances occasionally
7 only on the state's secondary roads when operated between the hours of sunrise and sunset;

8 (4) Governing bodies of cities may issue special permits to licensed drivers for special
9 uses of all-terrain vehicles on highways within the city limits. Fees of fifteen dollars may be
10 collected and retained by cities for such permits;

11 (5) Governing bodies of counties may issue special permits to licensed drivers for special
12 uses of all-terrain vehicles on county roads within the county. Fees of fifteen dollars may be
13 collected and retained by the counties for such permits.

14 2. No person shall operate an off-road vehicle within any stream or river in this state,
15 except that off-road vehicles may be operated within waterways which flow within the
16 boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within
17 the boundaries of land which an off-road vehicle operator owns or has permission to be upon,
18 or for the purpose of fording such stream or river of this state at such road crossings as are
19 customary or part of the highway system. All law enforcement officials or peace officers of this
20 state and its political subdivisions or department of conservation agents or department of natural
21 resources park rangers shall enforce the provisions of this subsection within the geographic area
22 of their jurisdiction.

23 3. A person operating an all-terrain vehicle on a highway pursuant to an exception
24 covered in this section shall have a valid operator's or chauffeur's license, except that a
25 handicapped person operating such vehicle pursuant to subdivision (3) of subsection 1 of this
26 section[, but] shall not be required to have passed an examination for the operation of a
27 motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When
28 operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not
29 less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag
30 shall be triangular in shape with an area of not less than thirty square inches and shall be
31 day-glow in color.

- 32 4. No persons shall operate an all-terrain vehicle:
33 (1) In any careless way so as to endanger the person or property of another;
34 (2) While under the influence of alcohol or any controlled substance;
35 (3) Without a securely fastened safety helmet on the head of an individual who operates
36 an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle,
37 unless the individual is at least eighteen years of age.
- 38 5. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural
39 purposes. The provisions of this subsection shall not apply to any all-terrain vehicle in which
40 the seat of such vehicle is designed to carry more than one person.
- 41 6. A violation of this section shall be a class C misdemeanor. In addition to other legal
42 remedies, the attorney general or county prosecuting attorney may institute a civil action in a
43 court of competent jurisdiction for injunctive relief to prevent such violation or future violations
44 and for the assessment of a civil penalty not to exceed one thousand dollars per day of violation.
- 45 7. **As used in subsection 1 of this section, "all-terrain vehicle" shall include any**
46 **motorized vehicle manufactured and used exclusively for off-highway use which is sixty-**
47 **three inches or less in width, with an unladen dry weight of one thousand eight hundred**
48 **fifty pounds or less, traveling on four or six wheels, commonly referred to as a utility**
49 **vehicle, and to be used primarily for agricultural, landscaping, lawn care, or maintenance**
50 **purposes.**

- 304.016. 1. The following rules shall govern the overtaking and passing of vehicles
2 proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:
- 3 (1) The driver of a vehicle overtaking another vehicle proceeding in the same direction
4 shall pass to the left thereof at a safe distance and shall not again drive to the right side of the
5 roadway until safely clear of the overtaken vehicle; and
- 6 (2) Except when overtaking and passing on the right is permitted, the driver of an
7 overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not
8 increase the speed of such driver's vehicle until completely passed by the overtaking vehicle.
- 9 2. The driver of a motor vehicle may overtake and pass to the right of another vehicle
10 only under the following conditions:
- 11 (1) When the vehicle overtaken is making or about to make a left turn;
- 12 (2) Upon a city street with unobstructed pavement of sufficient width for two or more
13 lines of vehicles in each direction;
- 14 (3) Upon a one-way street;
- 15 (4) Upon any highway outside of a city with unobstructed pavement of sufficient width
16 and clearly marked for four or more lines of traffic. The driver of a motor vehicle may overtake
17 and pass another vehicle upon the right only under the foregoing conditions when such

18 movement may be made in safety. In no event shall such movement be made by driving off the
19 paved or main traveled portion of the roadway. The provisions of this subsection shall not
20 relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the
21 right-hand edge of the roadway.

22 3. Except when a roadway has been divided into three traffic lanes, no vehicle shall be
23 driven to the left side of the center line of a highway or public road in overtaking and passing
24 another vehicle proceeding in the same direction unless such left side is clearly visible and is free
25 of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be
26 completely made without interfering with the safe operation of any vehicle approaching from the
27 opposite direction or any vehicle overtaken.

28 4. No vehicle shall at any time be driven to the left side of the roadway under the
29 following conditions:

30 (1) When approaching the crest of a grade or upon a curve of the highway where the
31 driver's view is obstructed within such distance as to create a hazard in the event another vehicle
32 might approach from the opposite direction;

33 (2) When the view is obstructed upon approaching within one hundred feet of any
34 bridge, viaduct, tunnel or when approaching within one hundred feet of or at any intersection or
35 railroad grade crossing;

36 **(3) When the roadway is clearly marked with a solid yellow center stripe indicating**
37 **a no passing zone or an unsafe location to overtake or drive to the left side of the roadway,**
38 **except that the provisions of this subdivision shall not apply when:**

39 **(a) Executing a lawful turn; or**

40 **(b) Overtaking a vehicle, as defined in section 307.020, RSMo, that is traveling at**
41 **a speed of less than twenty-five miles per hour, or when avoiding debris in the roadway,**
42 **so long as such action does not create a hazard, as specified in subdivision (1) of this**
43 **subsection.**

44 5. Violation of this section shall be deemed a class C misdemeanor.

304.070. 1. Any person who violates any of the provisions of subsections 1, 3, and 6 of
2 sections 304.050 is guilty of a class A misdemeanor. In addition, beginning July 1, 2005, the
3 court may suspend the driver's license of any person who violates the provision of subsection
4 1 of section 304.050. If ordered by the court, the director shall suspend the driver's license for
5 ninety days for a first offense of subsection 1 of section 304.050, and one hundred twenty days
6 for a second or subsequent offense of subsection 1 of section 304.050. **Any person who violates**
7 **subsection 1 of section 304.050 where such violation results in the injury of any child shall**
8 **be guilty of a class D felony. Any person who violates subsection 1 of section 304.050 where**
9 **such violation causes the death of any child shall be guilty of a class C felony.**

10 2. Any appeal of a suspension imposed under subsection 1 of this section shall be a
11 direct appeal of the court order and subject to review by the presiding judge of the circuit court
12 or another judge within the circuit other than the judge who issued the original order to suspend
13 the driver's license. The director of revenue's entry of the court-ordered suspension on the
14 driving record is not a decision subject to review pursuant to section 302.311, RSMo. Any
15 suspension of the driver's license ordered by the court under this section shall be in addition to
16 any other suspension that may occur as a result of the conviction pursuant to other provisions of
17 law.

 304.155. 1. Any law enforcement officer within the officer's jurisdiction, or an officer
2 of a government agency where that agency's real property is concerned, may authorize a towing
3 company to remove to a place of safety:

4 (1) Any abandoned property on the right-of-way of:

5 (a) Any interstate highway or freeway in an urbanized area, left unattended for ten hours,
6 or immediately if a law enforcement officer determines that the abandoned property is a serious
7 hazard to other motorists, provided that commercial motor vehicles not hauling materials
8 designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision
9 to a place of safety until the owner or owner's representative has had a reasonable opportunity
10 to contact a towing company of choice;

11 (b) Any interstate highway or freeway outside of an urbanized area, left unattended for
12 forty-eight hours, or after four hours if a law enforcement officer determines that the abandoned
13 property is a serious hazard to other motorists, provided that commercial motor vehicles not
14 hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under
15 this subdivision to a place of safety until the owner or owner's representative has had a
16 reasonable opportunity to contact a towing company of choice;

17 (c) Any state highway other than an interstate highway or freeway in an urbanized area,
18 left unattended for more than ten hours; or

19 (d) Any state highway other than an interstate highway or freeway outside of an
20 urbanized area, left unattended for more than forty-eight hours; provided that commercial motor
21 vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be
22 removed under this subdivision to a place of safety until the owner or owner's representative has
23 had a reasonable opportunity to contact a towing company of choice;

24 (2) Any unattended abandoned property illegally left standing upon any highway or
25 bridge if the abandoned property is left in a position or under such circumstances as to obstruct
26 the normal movement of traffic where there is no reasonable indication that the person in control
27 of the property is arranging for its immediate control or removal;

28 (3) Any abandoned property which has been abandoned under section 577.080, RSMo;

29 (4) Any abandoned property which has been reported as stolen or taken without consent
30 of the owner;

31 (5) Any abandoned property for which the person operating such property is arrested for
32 an alleged offense for which the officer is required to take the person into custody and where
33 such person is unable to arrange for the property's timely removal;

34 (6) Any abandoned property which due to any other state law or local ordinance is
35 subject to towing because of the owner's outstanding traffic or parking violations;

36 (7) Any abandoned property left unattended in violation of a state law or local ordinance
37 where signs have been posted giving notice of the law or where the violation causes a safety
38 hazard; or

39 (8) Any abandoned property illegally left standing on the waters of this state as defined
40 in section 306.010, RSMo, where the abandoned property is obstructing the normal movement
41 of traffic, or where the abandoned property has been unattended for more than ten hours or is
42 floating loose on the water.

43 2. The state transportation department may immediately remove any abandoned,
44 unattended, wrecked, burned or partially dismantled property, spilled cargo or other personal
45 property from the roadway of any state highway if the abandoned property, cargo or personal
46 property is creating a traffic hazard because of its position in relation to the state highway. In
47 the event the property creating a traffic hazard is a commercial motor vehicle, as defined in
48 section 302.700, RSMo, the department's authority under this subsection shall be limited to
49 authorizing a towing company to remove the commercial motor vehicle to a place of safety,
50 except that the owner of the commercial motor vehicle or the owner's designated representative
51 shall have a reasonable opportunity to contact a towing company of choice. The provisions of
52 this subsection shall not apply to vehicles transporting any material which has been designated
53 as hazardous under Section 5103(a) of Title 49, U.S.C.

54 3. Any law enforcement agency authorizing a tow pursuant to this section in which the
55 abandoned property is moved from the immediate vicinity shall complete a crime inquiry and
56 inspection report. Any state or federal government agency other than a law enforcement agency
57 authorizing a tow pursuant to this section in which the abandoned property is moved away from
58 the immediate vicinity in which it was abandoned shall report the towing to the state highway
59 patrol or water patrol within two hours of the tow along with a crime inquiry and inspection
60 report as required in this section. Any local government agency, other than a law enforcement
61 agency, authorizing a tow pursuant to this section where property is towed away from the
62 immediate vicinity shall report the tow to the local law enforcement agency within two hours
63 along with a crime inquiry and inspection report.

64 4. Neither the law enforcement officer, government agency official nor anyone having
65 custody of abandoned property under his direction shall be liable for any damage to such
66 abandoned property occasioned by a removal authorized by this section or by ordinance of a
67 county or municipality licensing and regulating the sale of abandoned property by the
68 municipality, other than damages occasioned by negligence or by willful or wanton acts or
69 omissions.

70 5. The owner of abandoned property removed as provided in this section or in section
71 304.157 shall be responsible for payment of all reasonable charges for towing and storage of
72 such abandoned property as provided in section 304.158.

73 6. Upon the towing of any abandoned property pursuant to this section or under authority
74 of a law enforcement officer or local government agency pursuant to section 304.157, the law
75 enforcement agency that authorized such towing or was properly notified by another government
76 agency of such towing shall promptly make an inquiry with the national crime information center
77 and any statewide Missouri law enforcement computer system to determine if the abandoned
78 property has been reported as stolen and shall enter the information pertaining to the towed
79 property into the statewide law enforcement computer system. If the abandoned property is not
80 claimed within ten working days of the towing, the tower who has online access to the
81 department of revenue's records shall make an inquiry to determine the abandoned property
82 owner and lienholder, if any, of record. In the event that the records of the department of
83 revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply
84 with the requirements of subsection 3 of section 304.156. If the tower does not have online
85 access, the law enforcement agency shall submit a crime inquiry and inspection report to the
86 director of revenue. A towing company that does not have online access to the department's
87 records and that is in possession of abandoned property after ten working days shall report such
88 fact to the law enforcement agency with which the crime inquiry and inspection report was filed.
89 The crime inquiry and inspection report shall be designed by the director of revenue and shall
90 include the following:

91 (1) The year, model, make and property identification number of the property and the
92 owner and any lienholders, if known;

93 (2) A description of any damage to the property noted by the officer authorizing the tow;

94 (3) The license plate or registration number and the state of issuance, if available;

95 (4) The storage location of the towed property;

96 (5) The name, telephone number and address of the towing company;

97 (6) The date, place and reason for the towing of the abandoned property;

98 (7) The date of the inquiry of the national crime information center, any statewide
99 Missouri law enforcement computer system and any other similar system which has titling and

100 registration information to determine if the abandoned property had been stolen. This
101 information shall be entered only by the law enforcement agency making the inquiry;

102 (8) The signature and printed name of the officer authorizing the tow; [and]

103 (9) The name of the towing company, the signature and printed name of the towing
104 operator, and an indicator disclosing whether the tower has online access to the department's
105 records; **and**

106 (10) Any additional information the director of revenue deems appropriate.

107 7. One copy of the crime inquiry and inspection report shall remain with the agency
108 which authorized the tow. One copy shall be provided to and retained by the storage facility and
109 one copy shall be retained by the towing facility in an accessible format in the business records
110 for a period of three years from the date of the tow or removal.

111 8. The owner of such abandoned property, or the holder of a valid security interest of
112 record, may reclaim it from the towing company upon proof of ownership or valid security
113 interest of record and payment of all reasonable charges for the towing and storage of the
114 abandoned property. **The registered owner or owner's agent claiming abandoned property**
115 **under this chapter shall present a copy of the most recent registration receipt or title for**
116 **the abandoned property to the appropriate law enforcement agency or towing company**
117 **before the property is released. A property or casualty insurance company shall be**
118 **required to present evidence that the abandoned property is insured by or subject to a**
119 **claim involving an insured, and the holder of a valid security interest shall present evidence**
120 **of a valid security interest of record, to claim any such abandoned property.**

121 9. Any person who removes abandoned property at the direction of a law enforcement
122 officer or an officer of a government agency where that agency's real property is concerned as
123 provided in this section shall have a lien for all reasonable charges for the towing and storage of
124 the abandoned property until possession of the abandoned property is voluntarily relinquished
125 to the owner of the abandoned property or to the holder of a valid security interest of record.
126 Any personal property within the abandoned property need not be released to the owner thereof
127 until the reasonable or agreed charges for such recovery, transportation or safekeeping have been
128 paid or satisfactory arrangements for payment have been made, except that any medication
129 prescribed by a physician shall be released to the owner thereof upon request. The company
130 holding or storing the abandoned property shall either release the personal property to the owner
131 of the abandoned property or allow the owner to inspect the property and provide an itemized
132 receipt for the contents. The company holding or storing the property shall be strictly liable for
133 the condition and safe return of the personal property. Such lien shall be enforced in the manner
134 provided under section 304.156.

10. Towing companies shall keep a record for three years on any abandoned property towed and not reclaimed by the owner of the abandoned property. Such record shall contain information regarding the authorization to tow, copies of all correspondence with the department of revenue concerning the abandoned property, including copies of any online records of the towing company accessed and information concerning the final disposition of the possession of the abandoned property.

11. If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the local law enforcement agency where the repossession occurred within two hours of the repossession and shall further provide the local law enforcement agency with any additional information the agency deems appropriate. The local law enforcement agency shall make an inquiry with the national crime information center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.

12. Notwithstanding the provisions of section 301.227, RSMo, any towing company who has complied with the notification provisions in section 304.156 including notice that any property remaining unredeemed after thirty days may be sold as scrap property may then dispose of such property as provided in this subsection. Such sale shall only occur if at least thirty days has passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in section 304.156. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the director of revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the director of revenue within two weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three years [that] **and such records** shall be available for inspection by law enforcement and authorized department of revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this [chapter] **section**. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in section 301.227, RSMo, on vehicles purchased on a bill of sale pursuant to this section. **Any sale under this subsection shall be excluded from the provisions of sections 301.196 to 301.198, RSMo.**

304.170. 1. No vehicle operated upon the highways of this state shall have a width, including load, in excess of ninety-six inches, except clearance lights, rearview mirrors or other accessories required by federal, state or city law or regulation; except that, vehicles having a width, including load, not in excess of one hundred two inches, exclusive of clearance lights, rearview mirrors or other accessories required by law or regulations, may be operated on the interstate highways and such other highways as may be designated by the highways and transportation commission for the operation of such vehicles plus a distance not to exceed ten miles from such interstate or designated highway. Provided however, a recreational vehicle as defined in section 700.010, RSMo, may exceed the foregoing width limits if the appurtenances on such recreational vehicle extend no further than the rearview mirrors. Such mirrors may only extend the distance necessary to provide the required field of view before the appurtenances were attached.

2. No vehicle operated upon the interstate highway system or upon any route designated by the chief engineer of the state transportation department shall have a height, including load, in excess of fourteen feet. On all other highways, no vehicle shall have a height, including load, in excess of thirteen and one-half feet, except that any vehicle or combination of vehicles transporting automobiles or other motor vehicles may have a height, including load, of not more than fourteen feet.

3. No single motor vehicle operated upon the highways of this state shall have a length, including load, in excess of forty-five feet, except as otherwise provided in this section.

4. No bus, recreational motor vehicle or trackless trolley coach operated upon the highways of this state shall have a length in excess of forty-five feet, except that such vehicles may exceed the forty-five feet length when such excess length is caused by the projection of a front safety bumper or a rear safety bumper or both. Such safety bumper shall not cause the length of the bus or recreational motor vehicle to exceed the forty-five feet length limit by more than one foot in the front and one foot in the rear. The term "safety bumper" means any device which may be fitted on an existing bumper or which replaces the bumper and is so constructed, treated, or manufactured that it absorbs energy upon impact.

5. No combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the highways of this state shall have a length, including load, in excess of sixty feet; except that in order to comply with the provisions of Title 23 of the United States Code (Public Law 97-424), no combination of truck-tractor and semitrailer or truck-tractor equipped with dromedary and semitrailer operated upon the interstate highway system of this state shall have an overall length, including load, in excess of the length of the truck-tractor plus the semitrailer or truck-tractor equipped with dromedary and semitrailer. The length of such semitrailer shall not exceed fifty-three feet.

37 6. In order to comply with the provisions of Title 23 of the United States Code (Public
38 Law 97-424), no combination of truck-tractor, semitrailer and trailer operated upon the interstate
39 highway system of this state shall have an overall length, including load, in excess of the length
40 of the truck-tractor plus the semitrailer and trailer, neither of which semitrailer or trailer shall
41 exceed twenty-eight feet in length, except that any existing semitrailer or trailer up to
42 twenty-eight and one-half feet in length actually and lawfully operated on December 1, 1982,
43 within a sixty-five foot overall length limit in any state, may continue to be operated upon the
44 interstate highways of this state. On those primary highways not designated by the state
45 highways and transportation commission as provided in subsection 10 of this section, no
46 combination of truck-tractor, semitrailer and trailer shall have an overall length, including load,
47 in excess of sixty-five feet; provided, however, the state highways and transportation commission
48 may designate additional routes for such sixty-five foot combinations.

49 7. Automobile transporters, boat transporters, truck-trailer boat transporter combinations,
50 stinger-steered combination automobile transporters and stinger-steered combination boat
51 transporters having a length not in excess of seventy-five feet may be operated on the interstate
52 highways of this state and such other highways as may be designated by the highways and
53 transportation commission for the operation of such vehicles plus a distance not to exceed ten
54 miles from such interstate or designated highway. All length provisions regarding automobile
55 or boat transporters, truck-trailer boat transporter combinations and stinger-steered combinations
56 shall include a semitrailer length not to exceed fifty-three feet and are exclusive of front and rear
57 overhang, which shall be no greater than a three-foot front overhang and no greater than a
58 four-foot rear overhang.

59 8. Driveaway saddlemount combinations having a length not in excess of [seventy-five]
60 **ninety-seven** feet may be operated on the interstate highways of this state and such other
61 highways as may be designated by the highways and transportation commission for the operation
62 of such vehicles plus a distance not to exceed ten miles from such interstate or designated
63 highway. Saddlemount combinations must comply with the safety requirements of Section
64 393.71 of Title 49 of the Code of Federal Regulations and may contain no more than three
65 saddlemounted vehicles and one fullmount.

66 9. No truck-tractor semitrailer-semitrailer combination vehicles operated upon the
67 interstate and designated primary highway system of this state shall have a semitrailer length in
68 excess of twenty-eight feet or twenty-eight and one-half feet if the semitrailer was in actual and
69 lawful operation in any state on December 1, 1982, operating in a truck-tractor
70 semitrailer-semitrailer combination. The B-train assembly is excluded from the measurement
71 of semitrailer length when used between the first and second semitrailer of a truck-tractor

72 semitrailer-semitrailer combination, except that when there is no semitrailer mounted to the
73 B-train assembly, it shall be included in the length measurement of the semitrailer.

74 10. The highways and transportation commission is authorized to designate routes on
75 the state highway system other than the interstate system over which those combinations of
76 vehicles of the lengths specified in subsections 5, 6, 7, 8 and 9 of this section may be operated.
77 Combinations of vehicles operated under the provisions of subsections 5, 6, 7, 8 and 9 of this
78 section may be operated at a distance not to exceed ten miles from the interstate system and such
79 routes as designated under the provisions of this subsection.

80 11. Except as provided in subsections 5, 6, 7, 8, 9 and 10 of this section, no other
81 combination of vehicles operated upon the primary or interstate highways of this state plus a
82 distance of ten miles from a primary or interstate highway shall have an overall length, unladen
83 or with load, in excess of sixty-five feet or in excess of fifty-five feet on any other highway,
84 except the state highways and transportation commission may designate additional routes for use
85 by sixty-five foot combinations, seventy-five foot stinger-steered combinations or [seventy-five]
86 **ninety-seven** foot saddlemount combinations. Any vehicle or combination of vehicles
87 transporting automobiles, boats or other motor vehicles may carry a load which extends no more
88 than three feet beyond the front and four feet beyond the rear of the transporting vehicle or
89 combination of vehicles.

90 12. (1) Except as hereinafter provided, these restrictions shall not apply to agricultural
91 implements operating occasionally on the highways for short distances, or to self-propelled
92 hay-hauling equipment or to implements of husbandry, or to the movement of farm products as
93 defined in section 400.9-109, RSMo, or to vehicles temporarily transporting agricultural
94 implements or implements of husbandry or roadmaking machinery, or road materials or towing
95 for repair purposes vehicles that have become disabled upon the highways; or to implement
96 dealers delivering or moving farm machinery for repairs on any state highway other than the
97 interstate system.

98 (2) Implements of husbandry and vehicles transporting such machinery or equipment and
99 the movement of farm products as defined in section 400.9.109, RSMo, may be operated
100 occasionally for short distances on state highways when operated between the hours of sunrise
101 and sunset by a driver licensed as an operator or chauffeur.

102 13. As used in this chapter the term "implements of husbandry" means all self-propelled
103 machinery operated at speeds of less than thirty miles per hour, specifically designed for, or
104 especially adapted to be capable of, incidental over-the-road and primary offroad usage and used
105 exclusively for the application of commercial plant food materials or agricultural chemicals, and
106 not specifically designed or intended for transportation of such chemicals and materials.

107 14. The purpose of this section is to permit a single trip per day by the implement of
108 husbandry from the source of supply to a given farm.

109 15. Sludge disposal units may be operated on all state highways other than the interstate
110 system. Such units shall not exceed one hundred thirty-eight inches in width and may be
111 equipped with over-width tires. Such units shall observe all axle weight limits. The chief
112 engineer of the state transportation department shall issue special permits for the movement of
113 such disposal units and may by such permits restrict the movements to specified routes, days and
114 hours.

304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any
2 highway in this state having a greater weight than twenty thousand pounds on one axle, no
3 combination of vehicles operated by transporters of general freight over regular routes as defined
4 in section 390.020, RSMo, shall be moved or operated on any highway of this state having a
5 greater weight than the vehicle manufacturer's rating on a steering axle with the maximum
6 weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved
7 or operated on any state highway of this state having a greater weight than thirty-four thousand
8 pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles,
9 arranged one behind another, the distance between the extremes of which is more than forty
10 inches and not more than ninety-six inches apart.

11 2. An "axle load" is defined as the total load transmitted to the road by all wheels whose
12 centers are included between two parallel transverse vertical planes forty inches apart, extending
13 across the full width of the vehicle.

14 3. Subject to the limit upon the weight imposed upon a highway of this state through any
15 one axle or on any tandem axle, the total gross weight with load imposed by any group of two
16 or more consecutive axles of any vehicle or combination of vehicles shall not exceed the
17 maximum load in pounds as set forth in the following table:

18 Distance in feet

19 between the extremes

20 of any group of two or

21 more consecutive axles,

22 measured to the nearest

23 foot, except where

24 indicated otherwise

Maximum load in pounds

25	feet	2 axles	3 axles	4 axles	5 axles	6 axles
26	4	34,000				
27	5	34,000				

28	6	34,000				
29	7	34,000				
30	8	34,000	34,000			
31	More than 8	38,000	42,000			
32	9	39,000	42,500			
33	10	40,000	43,500			
34	11	40,000	44,000			
35	12	40,000	45,000	50,000		
36	13	40,000	45,500	50,500		
37	14	40,000	46,500	51,500		
38	15	40,000	47,000	52,000		
39	16	40,000	48,000	52,500	58,000	
40	17	40,000	48,500	53,500	58,500	
41	18	40,000	49,500	54,000	59,000	
42	19	40,000	50,000	54,500	60,000	
43	20	40,000	51,000	55,500	60,500	66,000
44	21	40,000	51,500	56,000	61,000	66,500
45	22	40,000	52,500	56,500	61,500	67,000
46	23	40,000	53,000	57,500	62,500	68,000
47	24	40,000	54,000	58,000	63,000	68,500
48	25	40,000	54,500	58,500	63,500	69,000
49	26	40,000	55,500	59,500	64,000	69,500
50	27	40,000	56,000	60,000	65,000	70,000
51	28	40,000	57,000	60,500	65,500	71,000
52	29	40,000	57,500	61,500	66,000	71,500
53	30	40,000	58,500	62,000	66,500	72,000

54	31	40,000	59,000	62,500	67,500	72,500
55	32	40,000	60,000	63,500	68,000	73,000
56	33	40,000	60,000	64,000	68,500	74,000
57	34	40,000	60,000	64,500	69,000	74,500
58	35	40,000	60,000	65,500	70,000	75,000
59	36		60,000	66,000	70,500	75,500
60	37		60,000	66,500	71,000	76,000
61	38		60,000	67,500	72,000	77,000
62	39		60,000	68,000	72,500	77,500
63	40		60,000	68,500	73,000	78,000
64	41		60,000	69,500	73,500	78,500
65	42		60,000	70,000	74,000	79,000
66	43		60,000	70,500	75,000	80,000
67	44		60,000	71,500	75,500	80,000
68	45		60,000	72,000	76,000	80,000
69	46		60,000	72,500	76,500	80,000
70	47		60,000	73,500	77,500	80,000
71	48		60,000	74,000	78,000	80,000
72	49		60,000	74,500	78,500	80,000
73	50		60,000	75,500	79,000	80,000
74	51		60,000	76,000	80,000	80,000
75	52		60,000	76,500	80,000	80,000
76	53		60,000	77,500	80,000	80,000
77	54		60,000	78,000	80,000	80,000
78	55		60,000	78,500	80,000	80,000
79	56		60,000	79,500	80,000	80,000

80	57	60,000	80,000	80,000	80,000
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81 Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load
82 of thirty-four thousand pounds each if the overall distance between the first and last axles of such
83 consecutive sets of tandem axles is thirty-six feet or more.

84 4. Whenever the state highways and transportation commission finds that any state
85 highway bridge in the state is in such a condition that use of such bridge by vehicles of the
86 weights specified in subsection 3 of this section will endanger the bridge, or the users of the
87 bridge, the commission may establish maximum weight limits and speed limits for vehicles using
88 such bridge. The governing body of any city or county may grant authority by act or ordinance
89 to the state highways and transportation commission to enact the limitations established in this
90 section on those roadways within the purview of such city or county. Notice of the weight limits
91 and speed limits established by the commission shall be given by posting signs at a conspicuous
92 place at each end of any such bridge.

93 5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle
94 loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23
95 of the United States Code.

96 6. Notwithstanding the weight limitations contained in this section, any vehicle or
97 combination of vehicles operating on highways other than the interstate highway system may
98 exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two
99 thousand pounds. However, total gross weight shall not exceed eighty thousand pounds.

100 7. Notwithstanding any provision of this section to the contrary, the department of
101 transportation shall issue a single-use special permit, or upon request of the owner of the truck
102 or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or
103 well-drillers' equipment. The department of transportation shall set fees for the issuance of
104 permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, RSMo,
105 concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and
106 highways at any time on any day.

107 **8. Notwithstanding the provision of this section to the contrary, the maximum gross**
108 **vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with**
109 **an idle reduction technology may be increased by a quantity necessary to compensate for**
110 **the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127,**
111 **as amended. In no case shall the additional weight increase allowed by this subsection be**
112 **greater than four hundred pounds. Upon request by an appropriate law enforcement**
113 **officer, the vehicle operator shall provide proof that the idle reduction technology is fully**
114 **functional at all times and that the gross weight increase is not used for any purpose other**
115 **than for the use of idle reduction technology.**

304.230. 1. It shall be the duty of the sheriff of each county or city to see that the provisions of sections 304.170 to 304.230 are enforced, and any peace officer or police officer of any county or city or any highway patrol officer shall have the power to arrest on sight or upon a warrant any person found violating or having violated the provisions of such sections.

2. The sheriff or any peace officer or any highway patrol officer is hereby given the power to stop any such conveyance or vehicle as above described upon the public highway for the purpose of determining whether such vehicle is loaded in excess of the provisions of sections 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions thereof he or she shall have a right at that time and place to cause the excess load to be removed from such vehicle; and provided further, that any regularly employed maintenance man of the department of transportation shall have the right and authority in any part of this state to stop any such conveyance or vehicle upon the public highway for the purpose of determining whether such vehicle is loaded in excess of the provisions of sections 304.170 to 304.230, and if he or she finds such vehicle loaded in violation of the provisions thereof, he or she shall have the right at that time and place to cause the excess load to be removed from such vehicle. When only an axle or a tandem axle group of a vehicle is overloaded, the operator shall be permitted to shift the load, if this will not overload some other axle or axles, without being charged with a violation; provided, however, the privilege of shifting the weight without being charged with a violation shall not extend to or include vehicles while traveling on the federal interstate system of highways. When only an axle or tandem axle group of the vehicle traveling on the federal interstate system of highways is overloaded and a court authorized to enforce the provisions of sections 304.170 to 304.230 finds that the overloading was due to the inadvertent shifting of the load changing axle weights in transit through no fault of the operator of the vehicle and that the load thereafter had been shifted so that no axle had been overloaded, then the court may find that no violation has been committed. The operator of any vehicle shall be permitted to back up and reweigh, or to turn around and weigh from the opposite direction. Any operator whose vehicle is weighed and found to be within five percent of any legal limit may request and receive a weight ticket, memorandum or statement showing the weight or weights on each axle or any combinations of axles. Once a vehicle is found to be within the limits of section 304.180 after having been weighed on any state scale and there is no evidence that any cargo or fuel has been added, no violation shall occur, but a presumption shall exist that cargo or fuel has been added if upon reweighing on another state scale the total gross weight exceeds the applicable limits of section 304.180 or 304.190. The highways and transportation commission of this state may deputize and appoint any number of their regularly employed maintenance men to enforce the provisions of such sections, and the maintenance men delegated and appointed in this section

36 shall report to the proper officers any violations of sections 304.170 to 304.230 for prosecution
37 by such proper officers.

38 3. The superintendent of the Missouri state highway patrol may assign qualified persons
39 who are not highway patrol officers to supervise or operate permanent or portable weigh stations
40 used in the enforcement of commercial vehicle laws. These persons shall be designated as
41 commercial vehicle inspectors and have limited police powers:

42 (1) To issue uniform traffic tickets at a permanent or portable weigh station for violations
43 of rules and regulations of the division of motor carrier [and railroad safety of the department of
44 economic development] **services of the highways and transportation commission** and
45 department of public safety, and laws, rules, and regulations pertaining to commercial motor
46 vehicles and trailers and related to size, weight, fuel tax, registration, equipment, driver
47 requirements, transportation of hazardous materials and operators' or chauffeurs' licenses, and
48 the provisions of sections 303.024 and 303.025, RSMo;

49 (2) To require the operator of any commercial vehicle to stop and submit to a vehicle and
50 driver inspection to determine compliance with commercial vehicle laws, rules, and regulations,
51 the provisions of sections 303.024 and 303.025, RSMo, and to submit to a cargo inspection when
52 reasonable grounds exist to cause belief that a vehicle is transporting hazardous materials as
53 defined by Title 49 of the Code of Federal Regulations;

54 (3) To make arrests for violation of subdivisions (1) and (2) of this subsection.
55 Commercial vehicle inspectors shall not have the authority to exercise the powers granted in
56 subdivisions (1), (2) and (3) of this subsection until they have successfully completed training
57 approved by the superintendent of the Missouri state highway patrol; nor shall they have the right
58 as peace officers to bear arms.

59 4. The superintendent of the Missouri state highway patrol may appoint qualified
60 persons, who are not members of the highway patrol, designated as commercial vehicle
61 enforcement officers, with the powers:

62 (1) To issue uniform traffic tickets for violations of laws, rules and regulations pertaining
63 to commercial vehicles, trailers, special mobile equipment and drivers of such vehicles, and the
64 provisions of sections 303.024 and 303.025, RSMo;

65 (2) To require the operator of any commercial vehicle to stop and submit to a vehicle and
66 driver inspection to determine compliance with commercial vehicle laws, rules, and regulations,
67 compliance with the provisions of sections 303.024 and 303.025, RSMo, and to submit to a
68 cargo inspection when reasonable grounds exist to cause belief that a vehicle is transporting
69 hazardous materials as defined by Title 49 of the Code of Federal Regulations;

70 (3) To make arrests upon warrants and for violations of subdivisions (1) and (2) of this
71 subsection. **Commercial vehicle officers selected and designated as peace officers by the**

72 **superintendent of the Missouri state highway patrol are hereby declared to be peace**
73 **officers of the state of Missouri, with full power and authority to make arrests solely for**
74 **violations under the powers granted in subdivisions (1) to (3) of this subsection.**
75 Commercial vehicle enforcement officers shall not have the authority to exercise the powers
76 granted in subdivisions (1), (2) and (3) of this subsection until they have successfully completed
77 training approved by the superintendent of the Missouri state highway patrol **and have**
78 **completed the mandatory standards for the basic training and licensure of peace officers**
79 **established by the peace officers standards and training commission under subsection 1 of**
80 **section 590.030, RSMo. Commercial vehicle officers who are employed and performing**
81 **their duties on August 28, 2006, shall have until July 1, 2010, to comply with the mandatory**
82 **standards regarding police officer basic training and licensure.** Commercial vehicle
83 enforcement officers shall have the right as peace officers to bear arms.

84 5. Any additional employees needed for the implementation of this section shall be hired
85 in conformity with the provisions of the federal fair employment and antidiscrimination acts.

86 6. Any part of this section which shall be construed to be in conflict with the axle or
87 tandem axle load limits permitted by the Federal-Aid Highway Act, Section 127 of Title 23 of
88 the United States Code (Public Law 85-767, 85th Congress) shall be null, void and of no effect.

304.232. 1. The Missouri state highway patrol shall establish procedures for the
2 **certification of municipal police officers, sheriffs, deputy sheriffs, and other law**
3 **enforcement officials that enforce sections 304.170 to 304.230.**

4 **2. The certification procedures established by the Missouri state highway patrol**
5 **shall include, but not be limited to:**

6 **(1) Initial and maintenance of certification, to include:**

7 **(a) Training;**

8 **(b) Recurring training, to be conducted minimally on an annual basis;**

9 **(c) Testing; and**

10 **(d) On-the-job experience under the supervision of a certified law enforcement**
11 **official or field training officer;**

12 **(2) Delineation of roles and responsibilities within the specific agency, as well as the**
13 **coordination with the Missouri state highway patrol;**

14 **(3) Data collection and maintenance and upload to state information systems;**

15 **(4) Computer hardware, software, and communications systems shall be compatible**
16 **with those of the Missouri state highway patrol;**

17 **(5) Prescribed use of forms and other official documents related to the certification;**

18 **(6) Fine and sanction structure that is similar to that of the Missouri state highway**
19 **patrol; and**

20 **(7) Disposition of moneys generated by fines.**

21 **3. The certification procedures shall meet the requirements of the memorandum**
22 **of understanding between the state of Missouri and the Commercial Vehicle Safety**
23 **Alliance or any successor organization.**

24 **4. The commercial motor vehicle safety enforcement and inspection activities of all**
25 **law enforcement officials of a political subdivision of the state of Missouri shall conform**
26 **to the memorandum of understanding between the state of Missouri and the Commercial**
27 **Vehicle Safety Alliance, as appropriate.**

28 **5. Commercial motor vehicle safety data collection, management and distribution**
29 **by law enforcement officials of a political subdivision as described in subsection 11 of this**
30 **section shall support the information systems of the Missouri state highway patrol.**

31 **6. The Missouri state highway patrol shall establish reasonable fees sufficient to**
32 **recover from a political subdivision as described in subsection 11 of this section the cost of**
33 **training, recurring training, data collection and management, certifying, and additional**
34 **administrative functions for law enforcement officials certified under this section. The**
35 **Missouri state highway patrol may apply for any applicable reimbursement or incentive**
36 **funds that may be available under the motor carrier safety assistance program to fund the**
37 **certification training program outlined in this section.**

38 **7. The agencies for which law enforcement officials certified under this section**
39 **work for shall, to the extent practicable, adhere to the same Motor Carrier Safety**
40 **Assistance Program requirements under 49 Code of Federal Regulations Part 350 of the**
41 **Federal Motor Carrier Safety Regulations.**

42 **8. The agencies for which law enforcement officials certified under this section**
43 **work for shall be subject to periodic program reviews and, at the discretion of the Missouri**
44 **state highway patrol, be required to submit a commercial vehicle safety plan that is**
45 **consistent with and incorporated into the statewide enforcement plan.**

46 **9. Beginning July 1, 2007, no law enforcement officer may make an arrest, issue a**
47 **citation, or conduct a commercial motor vehicle roadside inspection to determine**
48 **compliance with the provisions of sections 304.170 to 304.230 unless the law enforcement**
49 **officer has satisfactorily completed, as a part of his or her training, the basic course of**
50 **instruction developed by the Commercial Vehicle Safety Alliance and has been certified**
51 **by the Missouri state highway patrol under this section. Law enforcement officers**
52 **authorized to enforce the provisions of sections 304.170 to 304.230 shall annually receive**
53 **in-service training related to commercial motor vehicle operations, including but not**
54 **limited to training in current federal motor carrier safety regulations, safety inspection**

55 procedures, and out-of-service criteria. The annual training requirements shall be
56 designated and specified by the superintendent of the highway patrol.

57 **10. The superintendent of the state highway patrol shall promulgate rules and**
58 **regulations necessary to administer the certification procedures and any other provisions**
59 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010,**
60 **RSMo, that is created under the authority delegated in this section shall become effective**
61 **only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,**
62 **if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
63 **nonseverable and if any of the powers vested with the general assembly pursuant to**
64 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**
65 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**
66 **rule proposed or adopted after August 28, 2006, shall be invalid and void.**

304.281. 1. Whenever traffic is controlled by traffic control signals exhibiting different
2 colored lights, or colored lighted arrows, successively one at a time or in combination, only the
3 colors green, red and yellow shall be used, except for special pedestrian signals carrying a word
4 legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

5 (1) Green indication

6 (a) Vehicular traffic facing a circular green signal may proceed straight through or turn
7 right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including
8 vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians
9 lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited;

10 (b) Vehicular traffic facing a green arrow signal, shown alone or in combination with
11 another indication, may cautiously enter the intersection only to make the movement indicated
12 by such arrow, or such other movement as is permitted by other indications shown at the same
13 time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an
14 adjacent crosswalk and to other traffic lawfully using the intersection;

15 (c) Unless otherwise directed by a pedestrian control signal, as provided in section
16 304.291, pedestrians facing any green signal, except when the sole green signal is a turn arrow,
17 may proceed across the roadway within any marked or unmarked crosswalk.

18 (2) Steady yellow indication

19 (a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green
20 movement is being terminated or that a red indication will be exhibited immediately thereafter
21 when vehicular traffic shall not enter the intersection;

22 (b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian
23 control signal as provided in section 304.291, are thereby advised that there is insufficient time

24 to cross the roadway before a red indication is shown and no pedestrian shall then start to cross
25 the roadway.

26 (3) Steady red indication

27 (a) Vehicular traffic facing a steady red signal alone shall stop before entering the
28 crosswalk on the near side of the intersection at a clearly marked stop line but, if none, then
29 before entering the intersection and shall remain standing until an indication to proceed is shown
30 except as provided in paragraph (b);

31 (b) The driver of a vehicle which is stopped as close as practicable at the entrance to the
32 crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection
33 in obedience to a red signal, may cautiously enter the intersection to make a right turn but shall
34 yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the
35 intersection, except that the state highways and transportation commission with reference to an
36 intersection involving a state highway, and local authorities with reference to an intersection
37 involving other highways under their jurisdiction, may prohibit any such right turn against a red
38 signal at any intersection where safety conditions so require, said prohibition shall be effective
39 when a sign is erected at such intersection giving notice thereof;

40 (c) Unless otherwise directed by a pedestrian control signal as provided in section
41 304.291, pedestrians facing a steady red signal alone shall not enter the roadway.

42 (4) In the event an official traffic control signal is erected and maintained at a place other
43 than an intersection, the provision of this section shall be applicable except as to those provisions
44 which by their nature can have no application. Any stop required shall be made at a sign or
45 marking on the pavement indicating where the stop shall be made, but in the absence of any such
46 sign or marking the stop shall be made at the signal.

47 2. Notwithstanding the provisions of section 304.361, violation of this section is a class
48 C misdemeanor.

49 **3. A person operating a motorcycle who violates this section or section 304.301 by**
50 **entering or crossing an intersection controlled by a traffic-control signal against a red light**
51 **shall have an affirmative defense to that charge if the person establishes all of the following**
52 **conditions:**

53 (1) The motorcycle has been brought to a complete stop;

54 (2) The traffic-control signal continues to show a red light for an unreasonable
55 time;

56 (3) The traffic-control is apparently malfunctioning or, if programmed or
57 engineered to change to a green light only after detecting the approach of a motor vehicle,
58 the signal has apparently failed to detect the arrival of the motorcycle; and

59 **(4) No motor vehicle or person is approaching on the street or highway to be**
60 **crossed or entered or is so far away from the intersection that it does not constitute an**
61 **immediate hazard. The affirmative defense in this subsection applies only to a violation**
62 **for entering or crossing an intersection controlled by a traffic-control signal against a red**
63 **light and does not provide a defense to any other civil or criminal action.**

306.010. As used in this chapter the following terms mean:

- 2 (1) "Motorboat", any vessel propelled by machinery, whether or not such machinery is
3 a principal source of propulsion;
- 4 (2) "Operate", to navigate or otherwise use a motorboat or a vessel;
- 5 (3) "Operator", the person who operates or has charge of the navigation or use of a
6 vessel;
- 7 (4) "Owner", a person other than a lienholder, having the property in or title to a
8 motorboat. The term includes a person entitled to the use or possession of a motorboat subject
9 to an interest of another person, reserved or created by agreement and securing payment or
10 performance of an obligation, but the term excludes a lessee under a lease not intended as
11 security;
- 12 (5) "Parasailing", the towing of any person equipped with a parachute or kite equipment
13 by any watercraft operating on the waters of this state;
- 14 (6) "Personal watercraft", a class of vessel, which is less than sixteen feet in length,
15 propelled by machinery which is designed to be operated by a person sitting, standing or kneeling
16 on the vessel, rather than being operated by a person sitting or standing inside the vessel;
- 17 (7) "Vessel", every motorboat and every description of motorized watercraft, and any
18 watercraft more than twelve feet in length which is powered by sail alone or by a combination
19 of sail and machinery, used or capable of being used as a means of transportation on water, but
20 not any watercraft having as the only means of propulsion a paddle or oars;
- 21 (8) "Watercraft", any boat or craft, including a vessel, used or capable of being used as
22 a means of transport on waters;
- 23 (9) "Waters of this state", any waters **or waterways** within the territorial limits of this
24 state and lakes constructed [or] , maintained, **managed, or overseen** by the United States Army
25 Corps of Engineers except bodies of water owned by a person, corporation, association,
26 partnership, municipality or other political subdivision, public water supply impoundments, and
27 except drainage ditches constructed by a drainage district, but the term does include any body
28 of water which has been leased to or owned by the state department of conservation.

307.010. 1. All motor vehicles, and every trailer and semitrailer operating upon the
2 public highways of this state and carrying goods or material or farm products which may
3 reasonably be expected to become dislodged and fall from the vehicle, trailer or semitrailer as

4 a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or
5 semitrailer shall have a protective cover or be sufficiently secured so that no portion of such
6 goods or material can become dislodged and fall from the vehicle, trailer or semitrailer while
7 being transported or carried.

8 2. Operation of a motor vehicle, trailer or semitrailer in violation of this section shall be
9 [a class C misdemeanor] **an infraction**, and any person [convicted] **who pleads or is found**
10 **guilty** thereof shall be punished as provided by law.

307.015. 1. Trucks, semitrailers, and trailers, except utility trailers, without rear fenders,
2 attached to a commercial motor vehicle registered for over twenty-four thousand pounds shall
3 be equipped with mud flaps for the rear wheels when operated on the public highways of this
4 state. If mud flaps are used, they shall be wide enough to cover the full tread width of the tire
5 or tires being protected; shall be so installed that they extend from the underside of the vehicle
6 body in a vertical plane behind the rear wheels to within eight inches of the ground; and shall be
7 constructed of a rigid material or a flexible material which is of a sufficiently rigid character to
8 provide adequate protection when the vehicle is in motion. No provisions of this section shall
9 apply to a motor vehicle in transit and in process of delivery equipped with temporary mud flaps,
10 to farm implements, or to any vehicle which is not required to be registered.

11 2. Any person who violates this section is guilty of [a class B misdemeanor] **an**
12 **infraction** and, upon [conviction] **plea or finding of guilt**, shall be punished as provided by law.

307.090. 1. Any motor vehicle may be equipped with not to exceed one spotlight but
2 every lighted spotlight shall be so aimed and used so as not to be dazzling or glaring to any
3 person.

4 2. Notwithstanding the provisions of section 307.120, violation of this section is [a class
5 C misdemeanor] **an infraction**.

307.120. Any person violating any of the provisions of sections 307.020 to 307.120
2 shall, upon conviction thereof, be deemed guilty of [a misdemeanor] **an infraction**. The term
3 "person" as used in sections 307.020 to 307.120 shall mean and include any individual,
4 association, joint stock company, copartnership or corporation.

307.125. 1. Any person who shall place or drive or cause to be placed or driven upon
2 or along any state or supplementary state highway of this state any animal-driven vehicle
3 whatsoever, whether in motion or at rest, shall after sunset to one-half hour before sunrise have
4 attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not
5 less than three inches in diameter of effective area or its equivalent in area. When such device
6 shall consist of reflecting buttons there shall be no less than seven of such buttons covering an
7 area equal to a circle with a three-inch diameter. The total subtended effective angle of reflection
8 of every such device shall be no less than sixty degrees and the spread and efficiency of the

9 reflected light shall be sufficient for the reflected light to be visible to the driver of any motor
10 vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five
11 hundred feet.

12 2. In addition, any person who operates any such animal-driven vehicle during the hours
13 between sunset and one-half hour before sunrise shall have at least one light flashing at all times
14 the vehicle is on any highway of this state. Such light or lights shall be amber in the front and
15 red in the back and shall be placed on the left side of the vehicle at a height of no more than six
16 feet from the ground and shall be visible from the front and the back of the vehicle at a distance
17 of at least five hundred feet. Any person violating the provisions of this section shall be guilty
18 of [a class C misdemeanor] **an infraction**.

19 3. Any person operating an animal-driven vehicle during the hours between sunset and
20 one-half hour before sunrise may, in lieu of the requirements of subsection 2 of this section, use
21 lamps or lanterns complying with the rules promulgated by the director of the department of
22 public safety.

23 4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
24 is created under the authority delegated in this section shall become effective only if it complies
25 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
26 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
27 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
28 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
29 grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be
30 invalid and void.

307.155. Any person violating any of the provisions of sections 307.130 to 307.160 shall
2 be deemed guilty of [a class C misdemeanor] **an infraction** and shall be punished by a fine of
3 not to exceed fifty dollars for each offense.

307.172. 1. No person shall operate any passenger motor vehicle upon the public streets
2 or highways of this state, the body of which has been altered in such a manner that the front or
3 rear of the vehicle is raised at such an angle as to obstruct the vision of the operator of the street
4 or highway in front or to the rear of the vehicle.

5 2. Every motor vehicle which is licensed in this state and operated upon the public streets
6 or highways of this state shall be equipped with front and rear bumpers if such vehicle was
7 equipped with bumpers as standard equipment. This subsection shall not apply to motor vehicles
8 designed or modified primarily for off-highway purposes while such vehicles are in tow or to
9 motorcycles or motor-driven cycles, or to motor vehicles registered as historic motor vehicles
10 when the original design of such vehicles did not include bumpers nor shall the provisions of this
11 subsection prohibit the use of drop bumpers. The superintendent of the Missouri state highway

12 patrol shall adopt rules and regulations relating to bumper standards. Maximum bumper heights
 13 of both the front and rear bumpers of motor vehicles shall be determined by weight category of
 14 gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the
 15 bottom of the bumper when the vehicle is unloaded and the tires are inflated to the
 16 manufacturer's recommended pressure. Maximum bumper heights are as follows:

17	Maximum front	Maximum rear
18	bumper height	bumper height
19 Motor vehicles except		
20 commercial motor		
21 vehicles	22 inches	22 inches
22 Commercial motor		
23 vehicles (GVWR)		
24 4,500 lbs and under	24 inches	26 inches
25 4,501 lbs through		
26 7,500 lbs	27 inches	29 inches
27 7,501 lbs through		
28 9,000 lbs	28 inches	30 inches
29 9001 lbs through		
30 11,500 lbs	29 inches	31 inches

31 3. A motor vehicle in violation of this section shall not be approved during any motor
 32 vehicle safety inspection required pursuant to sections 307.350 to 307.390.

33 4. Any person knowingly violating the provisions of this section is guilty of [a class C
 34 misdemeanor] **an infraction**.

307.173. 1. Any person may operate a motor vehicle with front sidewing vents or
 2 windows located immediately to the left and right of the driver that have a sun screening device,
 3 in conjunction with safety glazing material, that has a light transmission of thirty-five percent
 4 or more plus or minus three percent and a luminous reflectance of thirty-five percent or less plus
 5 or minus three percent. Except as provided in subsection 5 of this section, any sun screening
 6 device applied to front sidewing vents or windows located immediately to the left and right of
 7 the driver in excess of the requirements of this section shall be prohibited without a permit
 8 pursuant to a physician's prescription as described below. A permit to operate a motor vehicle
 9 with front sidewing vents or windows located immediately to the left and right of the driver that
 10 have a sun screening device, in conjunction with safety glazing material, which permits less light
 11 transmission and luminous reflectance than allowed under the requirements of this subsection,
 12 may be issued by the department of public safety to a person having a serious medical condition
 13 which requires the use of a sun screening device if the permittee's physician prescribes its use.

14 The director of the department of public safety shall promulgate rules and regulations for the
15 issuance of the permit. The permit shall allow operation of the vehicle by any titleholder or
16 relative within the second degree by consanguinity or affinity, which shall mean a spouse, each
17 grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child, and grandchild of a person,
18 who resides in the household. Except as provided in subsection 2 of this section, all sun
19 screening devices applied to the windshield of a motor vehicle are prohibited.

20 2. This section shall not prohibit labels, stickers, decalcomania, or informational signs
21 on motor vehicles or the application of tinted or solar screening material to recreational vehicles
22 as defined in section 700.010, RSMo, provided that such material does not interfere with the
23 driver's normal view of the road. This section shall not prohibit factory-installed tinted glass,
24 the equivalent replacement thereof or tinting material applied to the upper portion of the motor
25 vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

26 3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
27 is created under the authority delegated in this section shall become effective only if it complies
28 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
29 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
30 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
31 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
32 grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be
33 invalid and void.

34 4. Any person who violates the provisions of this section is guilty of [a class C
35 misdemeanor] **an infraction**.

36 5. Any vehicle licensed with a historical license plate shall be exempt from the
37 requirements of this section.

307.195. 1. No person shall operate a motorized bicycle on any highway or street in this
2 state unless the person has a valid license to operate a motor vehicle.

3 2. No motorized bicycle may be operated on any public thoroughfare located within this
4 state which has been designated as part of the federal interstate highway system.

5 3. Violation of this section shall be deemed [a class C misdemeanor] **an infraction**.

307.198. 1. Every all-terrain vehicle, except those used in competitive events, shall have
2 the following equipment:

3 (1) A lighted headlamp and tail lamp which shall be in operation at any time in which
4 an all-terrain vehicle is being used on any street or highway in this state pursuant to section
5 304.013, RSMo;

6 (2) An equilateral triangular emblem, to be mounted on the rear of such vehicle at least
7 two feet above the roadway when such vehicle is operated upon any street or highway pursuant

8 to section 300.348, RSMo, or 304.013, RSMo. The emblem shall be constructed of substantial
9 material with a fluorescent yellow-orange finish and a reflective, red border at least one inch in
10 width. Each side of the emblem shall measure at least ten inches;

11 (3) A breaking system maintained in good operating condition;

12 (4) An adequate muffler system in good working condition, and a United States Forest
13 Service qualified spark arrester.

14 2. A violation of this section shall be [a class C misdemeanor] **an infraction.**

307.365. 1. No permit for an official inspection station shall be assigned or transferred
2 or used at any location other than therein designated and every permit shall be posted in a
3 conspicuous place at the location designated. The superintendent of the Missouri state highway
4 patrol shall design and furnish each official inspection station, at no cost, one official sign made
5 of metal or other durable material to be displayed in a conspicuous location to designate the
6 station as an official inspection station. Additional signs may be obtained by an official
7 inspection station for a fee equal to the cost to the state. Each inspection station shall also be
8 supplied with one or more posters which must be displayed in a conspicuous location at the place
9 of inspection and which informs the public that required repairs or corrections need not be made
10 at the inspection station.

11 2. No person operating an official inspection station pursuant to the provisions of
12 sections 307.350 to 307.390 may issue a certificate of inspection and approval for any vehicle
13 except upon an official form furnished by the superintendent of the Missouri state highway patrol
14 for that purpose and only after inspecting the vehicle and determining that its brakes, lighting
15 equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires,
16 wheels, exhaust system, glazing, air pollution control devices, fuel system and any other safety
17 equipment as required by the state are in proper condition and adjustment to be operated upon
18 the public highways of this state with safety to the driver or operator, other occupants therein,
19 as well as other persons and property upon the highways, as provided by sections 307.350 to
20 307.390 and the regulations prescribed by the superintendent of the Missouri state highway
21 patrol. Brakes may be inspected for safety by means of visual inspection or computerized brake
22 testing. No person operating an official inspection station shall furnish, loan, give or sell a
23 certificate of inspection and approval to any other person except those entitled to receive it under
24 provisions of sections 307.350 to 307.390. No person shall have in such person's possession any
25 certificate of inspection and approval and/or inspection sticker with knowledge that the
26 certificate and/or inspection sticker has been illegally purchased, stolen or counterfeited.

27 3. The superintendent of the Missouri state highway patrol may require officially
28 designated stations to furnish reports upon forms furnished by the superintendent for that purpose

29 as the superintendent considers reasonably necessary for the proper and efficient administration
30 of sections 307.350 to 307.390.

31 4. If, upon inspection, defects or unsafe conditions are found, the owner may correct
32 them or shall have them corrected at any place the owner chooses within twenty days after the
33 defect or unsafe condition is found, and shall have the right to remove the vehicle to such place
34 for correction, but before the vehicle is operated thereafter upon the public highways of this state,
35 a certificate of inspection and approval must be obtained. The inspecting personnel of the
36 official inspection station must inform the owner that the corrections need not be made at the
37 inspection station.

38 5. A fee, not to exceed twelve dollars, as determined by each official inspection station,
39 may be charged by an official inspection station for each official inspection including the
40 issuance of the certificate of inspection and approval, sticker, seal or other device and a total fee,
41 not to exceed ten dollars, as determined by each official inspection station, may be charged for
42 an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate
43 of inspection and approval, sticker, seal or other device. Such fee shall be conspicuously posted
44 on the premises of each such official inspection station. No owner shall be charged an additional
45 inspection fee upon having corrected defects or unsafe conditions found in an inspection
46 completed within the previous twenty consecutive days, excluding Saturdays, Sundays and
47 holidays, if such follow-up inspection is made by the station making the initial inspection. Every
48 inspection for which a fee is charged shall be a complete inspection, and upon completion of the
49 inspection, if any defects are found the owner of the vehicle shall be furnished a list of the
50 defects and a receipt for the fee paid for the inspection. If the owner of a vehicle decides to have
51 any necessary repairs or corrections made at the official inspection station, the owner shall be
52 furnished a written estimate of the cost of such repairs before such repairs or corrections are
53 made by the official inspection station. The written estimate shall have plainly written upon it
54 that the owner understands that the corrections need not be made by the official inspection
55 station and shall have a signature line for the owner. The owner must sign below the statement
56 on the signature line before any repairs are made.

57 6. Certificates of inspection and approval, sticker, seal or other device shall be purchased
58 by the official inspection stations from the superintendent of the Missouri state highway patrol.
59 The superintendent of the Missouri state highway patrol shall collect a fee of one dollar and fifty
60 cents for each certificate of inspection, sticker, seal or other device issued to the official
61 inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal
62 or other device issued to official inspection stations operated by governmental entities. All fees
63 collected shall be deposited in the state treasury with one dollar of each fee collected credited to
64 the state highway fund and, for the purpose of administering and enforcing the state motor

65 vehicle laws and traffic regulations, fifty cents credited to the "Highway Patrol Inspection Fund"
66 which is hereby created. The moneys collected and deposited in the highway patrol inspection
67 fund shall be expended subject to appropriations by the general assembly for the administration
68 and enforcement of sections 307.350 to 307.390 by the Missouri state highway patrol. The
69 unexpended balance in the fund at the end of each biennium exceeding the amount of the
70 appropriations from the fund for the first two fiscal years shall be transferred to the state road
71 fund, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general
72 revenue fund at the end of the biennium, shall not apply to the fund.

73 7. The owner or operator of any inspection station who discontinues operation during
74 the period that a station permit is valid or whose station permit is suspended or revoked shall
75 return all official signs and posters and any current unused inspection stickers, seals or other
76 devices to the superintendent of the Missouri state highway patrol and shall receive a full refund
77 on request except for official signs and posters, provided the request is made during the calendar
78 year or within sixty days thereafter in the manner prescribed by the superintendent of the
79 Missouri state highway patrol. Stations which have a valid permit shall exchange unused
80 previous year issue inspection stickers and/or decals for an identical number of current year
81 issue, provided the unused stickers and/or decals are submitted for exchange not later than April
82 thirtieth of the current calendar year, in the manner prescribed by the superintendent of the
83 Missouri state highway patrol.

84 **8. Notwithstanding the provisions of section 307.390 to the contrary, a violation of**
85 **this section shall be a class C misdemeanor.**

307.375. 1. The owner of every bus used to transport children to or from school in
2 addition to any other inspection required by law shall submit the vehicle to an official inspection
3 station, and obtain a certificate of inspection, sticker, seal or other device annually, but the
4 inspection of the vehicle shall not be made more than sixty days prior to operating the vehicle
5 during the school year. The inspection shall, in addition to the inspection of the mechanism and
6 equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390,
7 include an inspection to ascertain that the following items are correctly fitted, adjusted, and in
8 good working condition:

- 9 (1) All mirrors, including crossview, inside, and outside;
- 10 (2) The front and rear warning flashers;
- 11 (3) The stop signal arm;
- 12 (4) The crossing control arm on public school buses required to have them pursuant to
- 13 section 304.050, RSMo;
- 14 (5) The rear bumper to determine that it is flush with the bus so that hitching of rides
- 15 cannot occur;

16 (6) The exhaust tailpipe shall be flush with or may extend not more than two inches
17 beyond the perimeter of the body or bumper;

18 (7) The emergency doors and exits to determine them to be unlocked and easily opened
19 as required;

20 (8) The lettering and signing on the front, side and rear of the bus;

21 (9) The service door;

22 (10) The step treads;

23 (11) The aisle mats or aisle runners;

24 (12) The emergency equipment which shall include as a minimum a first aid kit, flares
25 or fuses, and a fire extinguisher;

26 (13) The seats, including a determination that they are securely fastened to the floor;

27 (14) The emergency door buzzer;

28 (15) All hand hold grips;

29 (16) The interior glazing of the bus.

30 2. In addition to the inspection required by subsection 1 of this section, the Missouri state
31 highway patrol shall conduct an inspection after February first of each school year of all vehicles
32 required to be marked as school buses under section 304.050, RSMo. This inspection shall be
33 conducted by the Missouri highway patrol in cooperation with the department of elementary and
34 secondary education and shall include, as a minimum, items in subsection 1 of this section and
35 the following:

36 (1) The driver seat belts;

37 (2) The heating and defrosting systems;

38 (3) The reflectors;

39 (4) The bus steps;

40 (5) The aisles;

41 (6) The frame.

42 3. If, upon inspection, conditions which violate the standards in subsection 2 of this
43 section are found, the owner or operator shall have them corrected in ten days and notify the
44 superintendent of the Missouri state highway patrol or those persons authorized by the
45 superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus
46 shall not be used until corrections are made and the superintendent of the Missouri state highway
47 patrol or those persons authorized by the superintendent are notified.

48 4. The Missouri highway patrol may inspect any school bus at any time and if such
49 inspection reveals a deficiency affecting the safe operation of the bus, the provisions of
50 subsection 3 of this section shall be applicable.

51 **5. Notwithstanding the provisions of section 307.390 to the contrary, a violation of**
52 **this section shall be a class C misdemeanor.**

307.390. 1. Any person who violates any provision of sections 307.350 to 307.390 is
2 guilty of [a misdemeanor] **an infraction** and upon [conviction] **plea or finding of guilt** shall be
3 punished as provided by law.

4 2. The superintendent of the Missouri state highway patrol may assign qualified persons
5 who are not highway patrol officers to investigate and enforce motor vehicle safety inspection
6 laws and regulations pursuant to sections 307.350 to 307.390 and sections 643.300 to 643.355,
7 RSMo. A person assigned by the superintendent pursuant to the authority granted by this
8 subsection shall be designated a motor vehicle inspector and shall have limited powers to issue
9 a uniform complaint and summons for a violation of the motor vehicle inspection laws and
10 regulations. A motor vehicle inspector shall not have authority to exercise the power granted in
11 this subsection until such inspector successfully completes training provided by, and to the
12 satisfaction of, the superintendent.

307.400. 1. It is unlawful for any person to operate any commercial motor vehicle as
2 defined in Title 49, Code of Federal Regulations, Part 390.5, either singly or in combination with
3 a trailer, as both vehicles are defined in Title 49, Code of Federal Regulations, Part 390.5, unless
4 such vehicles are equipped and operated as required by Parts 390 through 397, Title 49, Code
5 of Federal Regulations, as such regulations have been and may periodically be amended, whether
6 intrastate transportation or interstate transportation. Members of the Missouri state highway
7 patrol are authorized to enter the cargo area of a commercial motor vehicle or trailer to inspect
8 the contents when reasonable grounds exist to cause belief that the vehicle is transporting
9 hazardous materials as defined by Title 49 of the Code of Federal Regulations. The director of
10 the department of public safety is hereby authorized to further regulate the safety of commercial
11 motor vehicles and trailers as he deems necessary to govern and control their operation on the
12 public highways of this state by promulgating and publishing rules and regulations consistent
13 with this chapter. Any such rules shall, in addition to any other provisions deemed necessary by
14 the director, require:

15 (1) Every commercial motor vehicle and trailer and all parts thereof to be maintained in
16 a safe condition at all times;

17 (2) Accidents arising from or in connection with the operation of commercial motor
18 vehicles and trailers to be reported to the department of public safety in such detail and in such
19 manner as the director may require.

20 Except for the provisions of subdivisions (1) and (2) of this subsection, the provisions of this
21 section shall not apply to any commercial motor vehicle operated in intrastate commerce and
22 licensed for a gross weight of sixty thousand pounds or less when used exclusively for the

23 transportation of solid waste or forty-two thousand pounds or less when the license plate has
24 been designated for farm use by the letter "F" as authorized by the Revised Statutes of Missouri,
25 unless such vehicle is transporting hazardous materials as defined in Title 49, Code of Federal
26 Regulations.

27 2. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part
28 391, Subpart E, Title 49, Code of Federal Regulations, relating to the physical requirements of
29 drivers shall not be applicable to drivers in intrastate commerce, provided such drivers were
30 licensed by this state as chauffeurs to operate commercial motor vehicles on May 13, 1988.
31 Persons who are otherwise qualified and licensed to operate a commercial motor vehicle in this
32 state may operate such vehicle intrastate at the age of eighteen years or older, except that any
33 person transporting hazardous material must be at least twenty-one years of age.

34 3. Commercial motor vehicles and drivers of such vehicles may be placed out of service
35 if the vehicles are not equipped and operated according to the requirements of this section.
36 Criteria used for placing vehicles and drivers out of service are the North American Uniform
37 Out-of-Service Criteria adopted by the Commercial Vehicle Safety Alliance and the United
38 States Department of Transportation, as such criteria have been and may periodically be
39 amended.

40 4. Notwithstanding the provisions of subsection 1 of this section to the contrary, Part
41 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall not apply to any
42 vehicle owned or operated by any public utility, rural electric cooperative or other public service
43 organization, or to the driver of such vehicle, while providing restoration of essential utility
44 services during emergencies and operating intrastate. For the purposes of this subsection, the
45 term "essential utility services" means electric, gas, water, telephone and sewer services.

46 5. Part 395, Title 49, Code of Federal Regulations, relating to the hours of drivers, shall
47 not apply to drivers transporting agricultural commodities or farm supplies for agricultural
48 purposes in this state if such transportation:

49 (1) Is limited to an area within a one hundred air mile radius from the source of the
50 commodities or the distribution point for the farm supplies; and

51 (2) Is conducted during the planting and harvesting season within this state, as defined
52 by the department of public safety by regulation.

53 6. The provisions of Part 395.8, Title 49, Code of Federal Regulations, relating to
54 recording of a driver's duty status, shall not apply to drivers engaged in agricultural operations
55 referred to in subsection 5 of this section, if the motor carrier who employs the driver maintains
56 and retains for a period of six months accurate and true records showing:

57 (1) The total number of hours the driver is on duty each day; and

58 (2) The time at which the driver reports for, and is released from, duty each day.

59 7. Notwithstanding the provisions of subsection 1 of this section to the contrary, Parts
60 390 through 397, Title 49, Code of Federal Regulations shall not apply to commercial motor
61 vehicles operated in intrastate commerce to transport property, which have a gross vehicle weight
62 rating or gross combination weight rating of twenty-six thousand pounds or less. The exception
63 provided by this subsection shall not apply to vehicles transporting hazardous materials or to
64 vehicles designed to transport sixteen or more passengers including the driver as defined by Title
65 49 of the Code of Federal Regulations. Nothing in this subsection shall be construed to prohibit
66 persons designated by the department of public safety from inspecting vehicles defined in this
67 subsection.

68 8. Violation of any provision of this section or any rule promulgated as authorized
69 therein is [a class B misdemeanor] **an infraction**.

70 9. No rule or portion of a rule promulgated under the authority of this chapter shall
71 become effective unless it has been promulgated pursuant to the provisions of section 536.024,
72 RSMo.

 311.326. After a period of not less than one year, or upon reaching the age of twenty-one,
2 whichever occurs first, a person who has pleaded guilty to or has been found guilty of violating
3 section 311.325 for the first time, and who since such conviction has not been convicted of any
4 other alcohol-related offense, may apply to the court in which he or she was sentenced for an
5 order to expunge all official records of his or her arrest, plea, trial and conviction. **No records**
6 **shall be expunged if the person who has plead guilty to or has been found guilty of**
7 **violating section 311.325 is licensed as a commercial motor vehicle driver or was operating**
8 **a commercial motor vehicle as defined in section 302.700, RSMo, at the time of the**
9 **violation.** If the court determines, upon review, that such person has not been convicted of any
10 other alcohol-related offense at the time of the application for expungement, and the person has
11 had no other alcohol-related enforcement contacts, as defined in section 302.525, RSMo, the
12 court shall enter an order of expungement. The effect of such an order shall be to restore such
13 person to the status he or she occupied prior to such arrest, plea or conviction, as if such event
14 had never happened. No person as to whom such order has been entered shall be held thereafter
15 under any provision of any law to be guilty of perjury or otherwise giving a false statement by
16 reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or
17 expungement in response to any inquiry made of him or her for any purpose whatsoever. A
18 person shall be entitled to only one expungement pursuant to this section. Nothing contained in
19 this section shall prevent courts or other state officials from maintaining such records as are
20 necessary to ensure that an individual receives only one expungement pursuant to this section.

385.200. As used in sections 385.200 to 385.212, the following terms mean:

2 (1) "Administrator", the person other than a provider who is responsible for the
3 administration of the service contracts or the service contracts plan or for any filings
4 required by sections 385.200 to 385.212;

5 (2) "Consumer", a natural person who buys other than for purposes of resale any
6 tangible personal property that is distributed in commerce and that is normally used for
7 personal, family, or household purposes and not for business or research purposes;

8 (3) "Dealers", any motor vehicle dealer or boat dealer licensed or required to be
9 licensed under the provisions of sections 301.550 to 301.573, RSMo;

10 (4) "Director", the director of the department of insurance;

11 (5) "Maintenance agreement", a contract of limited duration that provides for
12 scheduled maintenance only;

13 (6) "Manufacturer", any of the following:

14 (a) A person who manufactures or produces the property and sells the property
15 under the person's own name or label;

16 (b) A subsidiary of the person who manufactures or produces the property;

17 (c) A person who owns one hundred percent of the entity that manufactures or
18 produces the property;

19 (d) A person that does not manufacture or produce the property, but the property
20 is sold under its trade name label;

21 (e) A person who manufactures or produces the property and the property is sold
22 under the trade name or label of another person;

23 (f) A person who does not manufacture or produce the property but, under a
24 written contract, licenses the use of its trade name or label to another person who sells the
25 property under the licensor's trade name or label;

26 (7) "Mechanical breakdown insurance", a policy, contract, or agreement issued by
27 an authorized insurer who provides for the repair, replacement, or maintenance of a motor
28 vehicle or indemnification for repair, replacement, or service, for the operational or
29 structural failure of a motor vehicle due to a defect in materials or workmanship or to
30 normal wear and tear;

31 (8) "Motor vehicle extended service contract" or "service contract", a contract or
32 agreement for a separately stated consideration or for a specific duration to perform the
33 repair, replacement, or maintenance of a motor vehicle or indemnification for repair,
34 replacement, or maintenance, for the operational or structural failure due to a defect in
35 materials, workmanship, or normal wear and tear, with or without additional provision
36 for incidental payment of indemnity under limited circumstances, including but not limited

37 to towing, rental, and emergency road service, but does not include mechanical breakdown
38 insurance or maintenance agreements;

39 (9) "Non-original manufacturer's parts", replacement parts not made for or by the
40 original manufacturer of the property, commonly referred to as "after market parts";

41 (10) "Person", an individual, partnership, corporation, incorporated or
42 unincorporated association, joint stock company, reciprocal, syndicate, or any similar
43 entity or combination of entities acting in concert;

44 (11) "Premium", the consideration paid to an insurer for a reimbursement
45 insurance policy;

46 (12) "Provider", a person who is contractually obligated to the service contract
47 holder under the terms of a motor vehicle extended service contract;

48 (13) "Provider fee", the consideration paid for a motor vehicle extended service
49 contract by a service contract holder;

50 (14) "Reimbursement insurance policy", a policy of insurance issued to a provider
51 and under which the insurer agrees, for the benefit of the motor vehicle extended service
52 contract holders, to discharge all of the obligations and liabilities of the provider under the
53 terms of the motor vehicle extended service contracts in the event of nonperformance by
54 the provider. All obligations and liabilities include, but are not limited to, failure of the
55 provider to perform under the motor vehicle extended service contract and the return of
56 the unearned provider fee in the event of the provider's unwillingness or inability to
57 reimburse the unearned provider fee in the event of termination of a motor vehicle
58 extended service contract;

59 (15) "Service contract holder" or "contract holder", a person who is the purchaser
60 or holder of a motor vehicle extended service contract;

61 (16) "Warranty", a warranty made solely by the manufacturer, importer, or seller
62 of property or services without charge, that is not negotiated or separated from the sale of
63 the product and is incidental to the sale of the product, that guarantees indemnity for
64 defective parts, mechanical or electrical breakdown, labor, or other remedial measures,
65 such as repair or replacement of the property or repetition of services.

385.201. 1. Motor vehicle extended service contracts shall not be issued, sold, or
2 offered for sale in this state unless the provider or its designee has:

3 (1) Provided a receipt for the purchase of the motor vehicle extended service
4 contract to the contract holder at the date of purchase;

5 (2) Provided a copy of the motor vehicle extended service contract to the service
6 contract holder within a reasonable period of time from the date of purchase; and

7 (3) Complied with the provisions of sections 385.200 to 385.212.

8 **2. All providers of motor vehicle extended service contracts sold in this state shall**
9 **file a registration with the director on a form, at a fee and at a frequency prescribed by the**
10 **director.**

11 **3. In order to assure the faithful performance of a provider's obligations to its**
12 **contract holders, each provider who is contractually obligated to provide service under a**
13 **motor vehicle extended service contract shall:**

14 **(1) Insure all motor vehicle extended service contracts under a reimbursement**
15 **insurance policy issued by an insurer authorized to transact insurance in this state; or**

16 **(2) (a) Maintain a funded reserve account for its obligation under its contracts**
17 **issued and outstanding in this state. The reserves shall not be less than forty percent of**
18 **gross consideration received, less claims paid, on the sale of the motor vehicle extended**
19 **service contract for all in-force contracts. The reserve account shall be subject to**
20 **examination and review by the director; and**

21 **(b) Place in trust with the director a financial security deposit, having a value of not**
22 **less than five percent of the gross consideration received, less claims paid, on the sale of the**
23 **motor vehicle extended service contract for all motor vehicle extended service contracts**
24 **issued and in force, but not less than twenty-five thousand dollars, consisting of one of the**
25 **following:**

26 **a. A surety bond issued by an authorized surety;**

27 **b. Securities of the type eligible for deposit by authorized insurers in this state;**

28 **c. Cash;**

29 **d. A letter of credit issued by a qualified financial institution; or**

30 **e. Another form of security prescribed by regulations issued by the director; or**

31 **(3) (a) Maintain a net worth of one hundred million dollars; and**

32 **(b) Upon request, provide the director with a copy of the provider's or, if the**
33 **provider's financial statements are consolidated with those of its parent company, the**
34 **provider's parent company's most recent Form 10-K filed with the Securities and**
35 **Exchange Commission (SEC) within the last calendar year, or if the company does not file**
36 **with the SEC, a copy of the company's audited financial statements, which shows a net**
37 **worth of the provider or its parent company of at least one hundred million dollars. If the**
38 **provider's parent company's Form 10-K or audited financial statements are filed to meet**
39 **the provider's financial stability requirement, then the parent company shall agree to**
40 **guarantee the obligations of the obligor relating to motor vehicle extended service contracts**
41 **sold by the provider in this state.**

42 **4. Provider fees collected on motor vehicle extended service contracts shall not be**
43 **subject to premium taxes. Premiums for reimbursement insurance policies shall be subject**
44 **to applicable premium taxes.**

45 **5. Except for the registration requirement in subsection 2 of this section, persons**
46 **marketing, selling, or offering to sell motor vehicle extended service contracts for providers**
47 **that comply with sections 385.200 to 385.212 are exempt from this state's licensing**
48 **requirements.**

49 **6. Providers complying with the provisions of sections 385.200 to 385.212 are not**
50 **required to comply with other provisions of chapter 374 or 375, or any other provisions**
51 **governing insurance companies, except as specifically provided.**

385.203. Reimbursement insurance policies insuring motor vehicle extended service
2 **contracts issued, sold, or offered for sale in this state shall conspicuously state that, upon**
3 **failure of the provider to perform under the contract, such as failure to return the**
4 **unearned provider fee, the insurer that issued the policy shall pay on behalf of the provider**
5 **any sums the provider is legally obligated to pay or shall provide the service for which the**
6 **provider is legally obligated to perform according to the provider's contractual obligations**
7 **under the motor vehicle extended service contracts issued or sold by the provider.**

385.204. 1. No person, other than a dealer, manufacturer, federally insured
2 **depository institution, or a lender licensed and defined under the requirements of sections**
3 **367.100 to 367.215, RSMo, shall sell, offer for sale, or solicit the sale of a motor vehicle**
4 **extended service contract to a consumer.**

5 **2. No administrator or provider shall use a dealer as a fronting company, and no**
6 **dealer shall act as a fronting company. For purposes of this subsection, "fronting**
7 **company" means a dealer that authorizes a third-party administrator or provider to use**
8 **its name or business to evade or circumvent the provisions of subsection 1 of this section.**

9 **3. Motor vehicle extended service contracts issued, sold, or offered for sale in this**
10 **state shall be written in clear, understandable language, and the entire contract shall be**
11 **printed or typed in easy-to-read type and conspicuously disclose the requirements in this**
12 **section, as applicable.**

13 **4. Motor vehicle extended service contracts insured under a reimbursement**
14 **insurance policy under subsection 3 of section 385.201 shall contain a statement in**
15 **substantially the following form: "Obligations of the provider under this service contract**
16 **are guaranteed under a service contract reimbursement insurance policy. If the provider**
17 **fails to pay or provide service on a claim within sixty days after proof of loss has been filed,**
18 **the contract holder is entitled to make a claim directly against the insurance company."**
19 **A claim against the provider also shall include a claim for return of the unearned provider**

20 fee. The motor vehicle extended service contract also shall state conspicuously the name
21 and address of the insurer.

22 5. Motor vehicle extended service contracts not insured under a reimbursement
23 insurance policy pursuant to subsection 3 of section 385.201 shall contain a statement in
24 substantially the following form: "Obligations of the provider under this service contract
25 are backed only by the full faith and credit of the provider (issuer) and are not guaranteed
26 under a service contract reimbursement insurance policy." A claim against the provider
27 also shall include a claim for return of the unearned provider fee. The motor vehicle
28 extended service contract also shall state conspicuously the name and address of the
29 provider.

30 6. Motor vehicle extended service contracts shall identify any administrator, the
31 provider obligated to perform the service under the contract, the motor vehicle extended
32 service contract seller, and the service contract holder to the extent that the name and
33 address of the service contract holder has been furnished by the service contract holder.

34 7. Motor vehicle extended service contracts shall state conspicuously the total
35 purchase price and the terms under which the motor vehicle extended service contract is
36 sold. The purchase price is not required to be preprinted on the motor vehicle extended
37 service contract and may be negotiated at the time of sale with the service contract holder.

38 8. If prior approval of repair work is required, the motor vehicle extended service
39 contracts shall state conspicuously the procedure for obtaining prior approval and for
40 making a claim, including a toll-free telephone number for claim service and a procedure
41 for obtaining emergency repairs performed outside of normal business hours.

42 9. Motor vehicle extended service contracts shall state conspicuously the existence
43 of any deductible amount.

44 10. Motor vehicle extended service contracts shall specify the merchandise and
45 services to be provided and any limitations, exceptions, and exclusions.

46 11. Motor vehicle extended service contracts shall state the conditions upon which
47 the use of non-original manufacturer's parts, or substitute service, may be allowed.
48 Conditions stated shall comply with applicable state and federal laws.

49 12. Motor vehicle extended service contracts shall state any terms, restrictions, or
50 conditions governing the transferability of the motor vehicle extended service contract.

51 13. Motor vehicle extended service contracts shall state the terms, restrictions, or
52 conditions governing termination of the service contract by the service contract holder.
53 The provider of the motor vehicle extended service contract shall mail a written notice to
54 the contract holder within fifteen days of the date of termination.

55 **14. Motor vehicle extended service contracts shall require every provider to permit**
56 **the service contract holder to return the contract within at least twenty business days of**
57 **mailing date of the motor vehicle extended service contract or within at least ten days if the**
58 **service contract is delivered at the time of sale or within a longer time period permitted**
59 **under the contract. If no claim has been made under the contract, the contract is void and**
60 **the provider shall refund to the contract holder the full purchase price of the contract. A**
61 **ten percent penalty per month shall be added to a refund that is not paid within thirty days**
62 **of return of the contract to the provider. The applicable free-look time periods on service**
63 **contracts shall apply only to the original service contract purchaser.**

64 **15. Motor vehicle extended service contracts shall set forth all of the obligations and**
65 **duties of the service contract holder, such as the duty to protect against any further**
66 **damage and the requirement for certain service and maintenance.**

67 **16. Motor vehicle extended service contracts shall state clearly whether or not the**
68 **service contract provides for or excludes consequential damages or preexisting conditions.**

385.205. 1. A provider shall not use in its name the words insurance, casualty,
2 **guaranty, surety, mutual, or any other words descriptive of the insurance, casualty,**
3 **guaranty, or surety business, nor shall such provider use a name deceptively similar to the**
4 **name or description of any insurance or surety corporation, or any other provider. This**
5 **section shall not apply to a company that was using any of the prohibited language in its**
6 **name prior to August 28, 2004. However, a company using the prohibited language in its**
7 **name shall disclose conspicuously in its motor vehicle extended service contract the**
8 **following statement: "This agreement is not an insurance contract."**

9 **2. A provider or its representative shall not in its motor vehicle extended service**
10 **contracts or literature make, permit, or cause to be made any false or misleading**
11 **statement, or deliberately omit any material statement that would be considered misleading**
12 **if omitted, in connection with the sale, offer to sell or advertisement of a motor vehicle**
13 **extended service contract.**

14 **3. A person, such as a bank, savings and loan association, lending institution,**
15 **manufacturer or seller of any product, shall not require the purchase of a service contract**
16 **as a condition of a loan or a condition for the sale of any property.**

385.207. 1. An administrator, provider, or other intermediary shall keep accurate
2 **accounts, books, and records concerning transactions regulated by sections 385.200 to**
3 **385.212.**

4 **2. An administrator's, provider's, or other intermediary's accounts, books, and**
5 **records shall include:**

6 **(1) Copies of each type of motor vehicle extended service contract issued;**

7 (2) The name and address of each service holder to the extent that the name and
8 address have been furnished by the service contract holder;

9 (3) A list of the provider locations where motor vehicle extended service contracts
10 are marketed, sold, or offered for sale; and

11 (4) Claims files that shall contain at least the dates, amounts, and description of all
12 receipts, claims, and expenditures related to the motor vehicle extended service contracts.

13 3. Except as provided in this section, an administrator shall retain all records
14 pertaining to each motor vehicle extended service contract holder for at least three years
15 after the specified period of coverage has expired.

16 4. An administrator, provider, or other intermediary may keep all records required
17 under sections 385.200 to 385.212 on a computer disk or other similar technology. If an
18 administrator, provider, or other intermediary maintains records in other than hard copy,
19 records shall be accessible from a computer terminal available to the director and be
20 capable of duplication to legible hard copy.

21 5. An administrator, provider, or other intermediary discontinuing business in this
22 state shall maintain its records until it furnishes the director satisfactory proof that it has
23 discharged all obligations to contract holders in this state.

24 6. An administrator, provider, or other intermediary shall make all accounts,
25 books, and records concerning transactions regulated pursuant to sections 385.200 to
26 385.212 or other pertinent laws available to the director upon request.

 385.208. As applicable, an insurer that issued a reimbursement insurance policy
2 shall not terminate the policy until a notice of termination, in a form and time frame
3 prescribed by the director, has been mailed or delivered to the director. The termination
4 of a reimbursement insurance policy shall not reduce the issuer's responsibility for motor
5 vehicle extended service contracts issued by providers prior to the date of the termination.

 385.209. 1. Providers are considered to be the agent of the insurer that issued the
2 reimbursement insurance policy. In cases where a provider is acting as an administrator
3 and enlists other providers, the provider acting as the administrator shall notify the insurer
4 of the existence and identities of the other providers.

5 2. The provisions of sections 385.200 to 385.212 shall not prevent or limit the right
6 of an insurer that issued a reimbursement insurance policy to seek indemnification or
7 subrogation against a provider if the insurer pays or is obligated to pay the service contract
8 holder sums that the provider was obligated to pay under the provisions of the motor
9 vehicle extended service contract or under a contractual agreement.

385.210. 1. The director may conduct investigations or examinations of providers,
2 administrators, insurers, or other persons to enforce the provisions of sections 385.200 to
3 385.212 and protect service contract holders in this state.

4 2. If the director determines that a person has engaged, is engaging, or is about to
5 engage in a violation of sections 385.200 to 385.212 or a rule adopted or order issued
6 pursuant thereto, or that a person has materially aided, is materially aiding, or is about to
7 materially aid an act, practice, omission or course of business constituting a violation of
8 sections 385.200 to 385.212 or a rule adopted or order issued pursuant thereto, the director
9 may issue such administrative orders as authorized under section 374.046, RSMo. A
10 violation of this section is a level two violation under section 374.049, RSMo.

11 3. If the director believes that a person has engaged, is engaging, or is about to
12 engage in a violation of sections 385.200 to 385.212 or a rule adopted or order issued
13 pursuant thereto, or that a person has materially aided, is materially aiding, or is about to
14 materially aid an act, practice, omission or course of business constituting a violation of
15 sections 385.200 to 385.212 or a rule adopted or order issued pursuant thereto, the director
16 may maintain a civil action for relief authorized under section 374.048, RSMo. A violation
17 of this section is a level two violation under section 374.049, RSMo.

18 4. The enforcement authority of the director under this section is cumulative to any
19 other statutory authority of the director.

385.211. The director may promulgate rules to effectuate sections 385.200 to
2 385.212. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
3 that is created under the authority delegated in this section shall become effective only if
4 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
5 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
6 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
7 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
8 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
9 adopted after August 28, 2006, shall be invalid and void.

385.212. 1. The provisions of sections 385.200 to 385.212 shall not apply to:

- 2 (1) Warranties;
- 3 (2) Maintenance agreements;
- 4 (3) Commercial transactions; and
- 5 (4) Service contracts sold or offered for sale to persons other than consumers.

6 2. Manufacturer's contracts on the manufacturer's products need only comply with
7 the provisions of sections 385.204, 385.205, and 385.210.

2 **385.400. Sections 385.400 to 385.436 shall be known and may be cited as the**
3 **"Missouri Vehicle Protection Product Act".**

4 **385.403. As used in sections 385.400 to 385.436, the following terms shall mean:**

5 **(1) "Administrator", a third party other than the warrantor who is designated by**
6 **the warrantor to be responsible for the administration of vehicle protection product**
7 **warranties;**

8 **(2) "Department", the department of insurance;**

9 **(3) "Director", the director of the department of insurance;**

10 **(4) "Incidental costs", expenses specified in the warranty incurred by the warranty**
11 **holder related to the failure of the vehicle protection product to perform as provided in the**
12 **warranty. Incidental costs may include, without limitation, insurance policy deductibles,**
13 **rental vehicle charges, the difference between the actual value of the stolen vehicle at the**
14 **time of theft and the cost of a replacement vehicle, sales taxes, registration fees, transaction**
15 **fees, and mechanical inspection fees;**

16 **(5) "Premium", the consideration paid to an insurer for a reimbursement**
17 **insurance policy;**

18 **(6) "Service contract", a contract or agreement for a separately stated**
19 **consideration or for a specific duration to perform the repair, replacement, or maintenance**
20 **of a motor vehicle or indemnification for repair, replacement, or maintenance, for the**
21 **operational or structural failure due to a defect in materials, workmanship, or normal**
22 **wear and tear, or with or without additional provision for incidental payment of indemnity**
23 **under limited circumstances, including but not limited to towing, rental, and emergency**
24 **road service and other services which are offered under the service contract or any other**
25 **services which are of assistance and beneficial to the contract holders and feasible for the**
26 **contract to offer, but does not include mechanical breakdown insurance or maintenance**
27 **agreements;**

28 **(7) "Vehicle protection product", a vehicle protection device, system, or service**
29 **that:**

30 **(a) Is installed on or applied to a vehicle;**

31 **(b) Is designed to prevent loss or damage to a vehicle from a specific cause; and**

32 **(c) Includes a written warranty.**

33 **For purposes of sections 385.400 to 385.436, the term "vehicle protection product" shall**
34 **include, without limitation, alarm systems, body part marking products, steering locks,**
35 **window etch products, pedal and ignition locks, fuel and ignition kill switches, and**
36 **electronic, radio, and satellite tracking devices;**

34 **(8) "Vehicle protection product warranty" or "warranty", a written agreement by**
35 **a warrantor that provides that if the vehicle protection product fails to prevent loss or**
36 **damage to a vehicle from a specific cause, then the warranty holder shall be paid specified**
37 **incidental costs by the warrantor as a result of the failure of the vehicle protection product**
38 **to perform pursuant to the terms of the warranty. Incidental costs may be reimbursed**
39 **under the provisions of the warranty in either a fixed amount specified in the warranty or**
40 **sales agreement or by the use of a formula itemizing specific incidental costs incurred by**
41 **the warranty holder;**

42 **(9) "Vehicle protection product warrantor" or "warrantor", a person who is**
43 **contractually obligated to the warranty holder under the terms of the vehicle protection**
44 **product warranty agreement. "Warrantor" does not include an authorized insurer**
45 **providing a warranty reimbursement insurance policy;**

46 **(10) "Warranty holder", the person who purchases a vehicle protection product**
47 **or who is a permitted transferee;**

48 **(11) "Warranty reimbursement insurance policy", a policy of insurance that is**
49 **issued to the vehicle protection product warrantor to provide reimbursement to the**
50 **warrantor or to pay on behalf of the warrantor all covered contractual obligations**
51 **incurred by the warrantor under the terms and conditions of the insured vehicle protection**
52 **product warranties sold by the warrantor.**

385.406. 1. No vehicle protection product may be sold or offered for sale in this
2 **state unless the seller, warrantor, and administrator, if any, comply with the provisions of**
3 **sections 385.400 to 385.436.**

4 **2. Vehicle protection product warrantors and related vehicle protection product**
5 **sellers and warranty administrators complying with sections 385.400 to 385.436 are not**
6 **required to comply with and are not subject to any other provisions of the state insurance**
7 **code.**

8 **3. Service contract providers who do not sell vehicle protection products are not**
9 **subject to the requirements of sections 385.400 to 385.436 and sales of vehicle protection**
10 **products are exempt from the requirements of sections 407.1200 to 407.1227, RSMo.**

11 **4. Warranties, indemnity agreements, and guarantees that are not provided as a**
12 **part of a vehicle protection product are not subject to the provisions of sections 385.400 to**
13 **385.436.**

14 **5. Notwithstanding the provisions of sections 408.140 and 408.233, RSMo, a**
15 **business which is licensed and regulated under sections 367.100 to 367.533, RSMo, may**
16 **offer and sell service contracts, as defined in section 384.403, in conjunction with other**
17 **transactions.**

385.409. 1. A person may not operate as a warrantor or represent to the public that the person is a warrantor unless the person is registered with the department on a form prescribed by the director.

2. Warrantor registration records shall be filed annually and shall be updated within thirty days of any change. The registration records shall contain the following information:

(1) The warrantor's name, any fictitious names under which the warrantor does business in the state, principal office address, and telephone number;

(2) The name and address of the warrantor's agent for service of process in the state if other than the warrantor;

(3) The names of the warrantor's executive officer or officers directly responsible for the warrantor's vehicle protection product business;

(4) The name, address, and telephone number of any administrators designated by the warrantor to be responsible for the administration of vehicle protection product warranties in this state;

(5) A copy of the warranty reimbursement insurance policy or policies or other financial information required by section 385.412;

(6) A copy of each warranty the warrantor proposes to use in this state; and

(7) A statement indicating under which provision of section 385.412 the warrantor qualifies to do business in this state as a warrantor.

3. The director may charge each registrant a reasonable fee to offset the cost of processing the registration and maintaining the records in an amount not to exceed five hundred annually or as set by regulation. The information in subdivisions (1) and (2) of subsection 2 of this section shall be made available to the public.

4. If a registrant fails to register by the renewal deadline, the director shall give him or her written notice of the failure and the registrant will have thirty days to complete the renewal of his or her registration before he or she is suspended from being registered in this state.

5. An administrator or person who sells or solicits a sale of a vehicle protection product but who is not a warrantor shall not be required to register as a warrantor or be licensed under the insurance laws of this state to sell vehicle protection products.

385.412. No vehicle protection product shall be sold or offered for sale in this state unless the warrantor conforms to either subdivision (1) or (2) of this section in order to ensure adequate performance under the warranty. No other financial security requirements or financial standards for warrantors shall be required. The vehicle protection product's warrantor may meet the requirements of this section by:

6 **(1) Obtaining a warranty reimbursement insurance policy issued by an insurer**
7 **authorized to do business within this state which provides that the insurer will pay to, or**
8 **on behalf of, the warrantor one hundred percent of all sums that the warrantor is legally**
9 **obligated to pay according to the warrantor's contractual obligations under the**
10 **warrantor's vehicle protection product warranty. The warrantor shall file a true and**
11 **correct copy of the warranty reimbursement insurance policy with the director. The policy**
12 **shall contain the provisions required in section 385.415; or**

13 **(2) Maintaining a net worth or stockholder's equity of fifty million dollars. The**
14 **warrantor shall provide the director with a copy of the warrantor's or warrantor's parent**
15 **company's most recent Form 10-K or Form 20-F filed with the Securities and Exchange**
16 **Commission within the last calendar year, or if the warrantor does not file with the**
17 **Securities and Exchange Commission, a copy of the warrantor or the warrantor's parent**
18 **company's audited financial statements that shows a net worth of the warrantor or its**
19 **parent company of at least fifty million dollars. If the warrantor's parent company's Form**
20 **10-K, Form 20-F, or audited financial statements are filed to meet the warrantor's financial**
21 **stability requirement, then the parent company shall agree to guarantee the obligations of**
22 **the warrantor relating to warranties issued by the warrantor in this state. The financial**
23 **information filed under this subdivision shall be confidential as a trade secret of the entity**
24 **filing the information and not subject to public disclosure if the entity is not required to**
25 **file with the Securities and Exchange Commission.**

385.415. No warranty reimbursement insurance policy shall be issued, sold, or
2 **offered for sale in this state unless the policy meets the following conditions:**

3 **(1) The policy states that the issuer of the policy will reimburse or pay on behalf of**
4 **the vehicle protection product warrantor all covered sums which the warrantor is legally**
5 **obligated to pay or will provide that all service that the warrantor is legally obligated to**
6 **perform according to the warrantor's contractual obligations under the provisions of the**
7 **insured warranties sold by the warrantor;**

8 **(2) The policy states that in the event payment due under the terms of the warranty**
9 **is not provided by the warrantor within sixty days after proof of loss has been filed**
10 **according to the terms of the warranty by the warranty holder, the warranty holder may**
11 **file directly with the warranty reimbursement insurance company for reimbursement;**

12 **(3) The policy provides that a warranty reimbursement insurance company that**
13 **insures a warranty shall be deemed to have received payment of the premium if the**
14 **warranty holder paid for the vehicle protection product and insurer's liability under the**
15 **policy shall not be reduced or relieved by a failure of the warrantor, for any reason, to**
16 **report the issuance of a warranty to the insurer; and**

17 **(4) The policy has the following provisions regarding cancellation of the policy:**

18 **(a) The issuer of a reimbursement insurance policy shall not cancel such policy**
19 **until a notice of cancellation in writing has been mailed or delivered to the director and**
20 **each insured warrantor sixty days prior to cancellation of the policy;**

21 **(b) The cancellation of a reimbursement insurance policy shall not reduce the**
22 **issuer's responsibility for vehicle protection products sold prior to the date of cancellation;**
23 **and**

24 **(c) In the event an insurer cancels a policy that a warrantor has filed with the**
25 **director, the warrantor shall do either of the following:**

26 **a. File a copy of a new policy with the director, before the termination of the prior**
27 **policy; or**

28 **b. Discontinue acting as a warrantor as of the termination date of the policy until**
29 **a new policy becomes effective and is accepted by the director.**

385.418. 1. Every vehicle protection product warranty shall be written in clear,
2 **understandable language and shall be printed or typed in an easy-to-read point size and**
3 **font and shall not be issued, sold, or offered for sale in the state unless the warranty:**

4 **(1) States that the obligations of the warrantor to the warranty holder are**
5 **guaranteed under a warranty reimbursement insurance policy if the warrantor elects to**
6 **meet its financial responsibility obligations under subdivision (1) of section 385.412, or**
7 **states the obligations of the warrantor under this warranty are backed by the full faith and**
8 **credit of the warrantor if the warrantor elects to meet its financial responsibility under**
9 **subdivision (2) of section 385.412;**

10 **(2) States that in the event a warranty holder must make a claim against a party**
11 **other than the warrantor, the warranty holder is entitled to make a direct claim against**
12 **the warranty reimbursement insurer upon the failure of the warrantor to pay any claim**
13 **or meet any obligation under the terms of the warranty within sixty days after proof of loss**
14 **has been filed with the warrantor, if the warrantor elects to meet its financial responsibility**
15 **obligations under subdivision (1) of section 385.412;**

16 **(3) States the name and address of the insurer of the warranty reimbursement**
17 **insurance policy, and this information need not be preprinted on the warranty form but**
18 **may be stamped on the warranty, if the warrantor elects to meet its financial responsibility**
19 **obligations under subdivision (1) of section 385.412;**

20 **(4) Identifies the warrantor, the seller, and the warranty holder;**

21 **(5) Sets forth the total purchase price and the terms under which it is to be paid;**
22 **however, the purchase price is not required to be preprinted on the vehicle protection**
23 **product warranty and may be negotiated with the consumer at the time of sale;**

24 (6) Sets forth the procedure for making a claim, including a telephone number;

25 (7) States the existence of a deductible amount, if any;

26 (8) Specifies the payments or performance to be provided under the warranty
27 including payments for incidental costs, the manner of calculation or determination of
28 payments or performance, and any limitations, exceptions, or exclusions;

29 (9) Sets forth all of the obligations and duties of the warranty holder such as the
30 duty to protect against further damage to the vehicle, the obligation to notify the warrantor
31 in advance of any repair, or other similar requirements, if any;

32 (10) Sets forth any terms, restrictions, or conditions governing transferability of the
33 warranty, if any; and

34 (11) Contains a disclosure that reads substantially as follows: "This agreement is
35 a product warranty and is not insurance".

36 2. At the time of sale, the seller or warrantor shall provide to the purchaser:

37 (1) A copy of the vehicle protection product warranty; or

38 (2) A receipt or other written evidence of the purchase of the vehicle protection
39 product and a copy of the warranty within thirty days of the date of purchase.

385.421. 1. No vehicle protection product may be sold or offered for sale in this
2 state unless the vehicle protection product warranty states the terms and conditions
3 governing the cancellation of the sale and warranty, if any.

4 2. The warrantor may only cancel the warranty if the warranty holder does any of
5 the following:

6 (1) Fails to pay for the vehicle protection product;

7 (2) Makes a material misrepresentation to the seller or warrantor;

8 (3) Commits fraud; or

9 (4) Substantially breaches the warranty holder's duties under the warranty.

10 3. A warrantor canceling a warranty shall mail written notice of cancellation to the
11 warranty holder at the last known address of the warranty holder in the warrantor's
12 records at least thirty days prior to the effective date of the cancellation. The notice shall
13 state the effective date of the cancellation and the reason for the cancellation.

385.424. 1. Unless licensed as an insurance company, a vehicle protection product
2 warrantor shall not use in its name, contracts, or literature the words "insurance",
3 "casualty", "surety", "mutual", or any other word that is descriptive of the insurance,
4 casualty, or surety business or that is deceptively similar to the name or description of any
5 insurance or surety corporation or any other vehicle protection product warrantor. A
6 warrantor may use the term "guaranty" or a similar word in the warrantor's name. A
7 warrantor or its representative shall not in its vehicle protection product warranties or

8 literature make, permit, or cause to be made any false or misleading statement, or
9 deliberately omit any material statement that would be considered misleading if omitted,
10 in connection with the sale, offer to sell, or advertisement of a vehicle protection product
11 warranty.

12 2. A vehicle protection product seller or warrantor may not require as a condition
13 of financing that a retail purchaser of a motor vehicle purchase a vehicle protection
14 product.

385.427. 1. All vehicle protection product warrantors shall keep accurate accounts,
2 books, and records concerning transactions regulated under sections 385.400 to 385.436.

3 2. A vehicle protection product warrantor's accounts, books, and records shall
4 include:

5 (1) Copies of all vehicle protection product warranties;

6 (2) The name and address of each warranty holder; and

7 (3) Claims files which shall contain at least the dates, amounts, and descriptions of
8 all receipts, claims, and expenditures.

9 3. A vehicle protection product warrantor shall retain all required accounts, books,
10 and records pertaining to each warranty holder for at least three years after the specified
11 period of coverage has expired. A warrantor discontinuing business in the state shall
12 maintain its records until it furnishes the director satisfactory proof that it has discharged
13 all obligations to warranty holders in this state.

14 4. Vehicle protection product warrantors shall make all accounts, books, and
15 records concerning transactions regulated under sections 385.400 to 385.436 available to
16 the director for examination.

385.430. 1. The director may conduct examinations of warrantors, administrators,
2 or other persons to enforce sections 385.400 to 385.436 and protect warranty holders in this
3 state. Upon request of the director, a warrantor shall make available to the director all
4 accounts, books, and records concerning vehicle protection products provided by the
5 warrantor that are necessary to enable the director to reasonably determine compliance
6 or noncompliance with sections 385.400 to 385.436.

7 2. If the director determines that a person has engaged, is engaging, or is about to
8 engage in a violation of sections 385.400 to 385.436 or a rule adopted or order issued
9 pursuant thereto, or a person has materially aided, is materially aiding, or is about to
10 materially aid an act, practice, omission, or course of business constituting a violation of
11 sections 385.400 to 385.436 or a rule adopted or order issued pursuant thereto, the director
12 may issue such administrative orders as authorized under section 374.046, RSMo. A
13 violation of these sections is a level two violation under section 374.049, RSMo.

14 **3. If the director believes that a person has engaged, is engaging, or is about to**
15 **engage in a violation of sections 385.400 to 385.436 or a rule adopted or order issued**
16 **pursuant thereto, or that a person has materially aided, is materially aiding, or is about to**
17 **materially aid an act, practice, omission, or course of business constituting a violation of**
18 **sections 385.400 to 385.436 or a rule adopted or order issued pursuant thereto, the director**
19 **may maintain a civil action for relief authorized under section 374.048, RSMo. A violation**
20 **of these sections is a level two violation under section 374.049, RSMo.**

385.433. The director may promulgate rules and regulations to implement the
2 **provisions of sections 385.400 to 385.436. Such rules and regulations shall include**
3 **disclosures for the benefit of the warranty holder, record keeping, and procedures for**
4 **public complaints. Any rule or portion of a rule, as that term is defined in section 536.010,**
5 **RSMo, that is created under the authority delegated in sections 385.400 to 385.436 shall**
6 **become effective only if it complies with and is subject to all of the provisions of chapter**
7 **536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,**
8 **RSMo, are nonseverable and if any of the powers vested with the general assembly**
9 **pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and**
10 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
11 **authority and any rule proposed or adopted after August 28, 2006, shall be invalid and**
12 **void.**

385.436. Sections 385.400 to 385.436 applies to all vehicle protection products sold
2 **or offered for sale on or after January 1, 2007. The failure of any person to comply with**
3 **sections 385.400 to 385.436 prior to January 1, 2007, shall not be admissible in any court**
4 **proceeding, administrative proceeding, arbitration, or alternative dispute resolution**
5 **proceeding and may not otherwise be used to prove that the action of any person or the**
6 **affected vehicle protection product was unlawful or otherwise improper. The adoption of**
7 **sections 385.400 to 385.436 does not imply that a vehicle protection product warranty was**
8 **insurance prior to January 1, 2007. The penalty provision of sections 385.400 to 385.436**
9 **do not apply to any violation of sections 385.400 to 385.436 relating to or in connection with**
10 **the sale or failure to disclose in a retail installment contract or lease, or contract or**
11 **agreement that provides for payments under a vehicle protection product warranty so long**
12 **as the sale of such product, contract, or agreement was otherwise disclosed to the**
13 **purchaser in writing at the time of the purchase or lease.**

430.082. 1. Every person expending labor, services, skill or material upon any motor
2 **vehicle or trailer, as defined in chapter 301, RSMo, vessel, as defined in chapter 306, RSMo,**
3 **outboard motor or aircraft at a written request of its owner, authorized agent of the owner, or**
4 **person in lawful possession thereof, or who provides storage for a motor vehicle, trailer,**

5 outboard motor or vessel, at the written request of its owner, authorized agent of the owner, or
6 person in lawful possession thereof, or at the written request of a peace officer in lieu of the
7 owner or owner's agent, where such owner or agent is not available to request storage thereof,
8 shall, where the maximum amount to be charged for labor, services, skill or material has been
9 stated as part of the written request or the daily charge for storage has been stated as part of the
10 written request, have a lien upon the chattel beginning upon the date of commencement of the
11 expenditure of labor, services, skill, materials or storage for the actual value of all the
12 expenditure of labor, services, skill, materials or storage until the possession of that chattel is
13 voluntarily relinquished to the owner, authorized agent, or one entitled to possession thereof.
14 The person furnishing labor, services, skill or material may retain the lien after surrendering
15 possession of the aircraft or part or equipment thereof by filing a statement in the office of the
16 county recorder of the county where the owner of the aircraft or part or equipment thereof
17 resides, if known to the claimant, and in the office of the county recorder of the county where
18 the claimant performed the services. Such statement shall be filed within thirty days after
19 surrendering possession of the aircraft or part or equipment thereof and shall state the claimant's
20 name and address, the items on account, the name of the owner and a description of the property,
21 and shall not bind a bona fide purchaser unless the lien has also been filed with the Federal
22 Aviation Administration Aircraft Registry.

23 2. If the chattel is not redeemed within three months of the completion of the requested
24 labor, services, skill or material, the lienholder may apply to the director of revenue for a
25 certificate of ownership or certificate of title.

26 3. If the charges are for storage or the service of towing the motor vehicle, trailer,
27 outboard motor or vessel, and the chattel has not been redeemed three months after the charges
28 for storage commenced, the lienholder shall notify by certified mail, postage prepaid, the owner
29 and any lienholders of record other than the person making the notification, at the person's last
30 known address that application for a lien title will be made unless the owner or lienholder within
31 forty-five days makes satisfactory arrangements with the person holding the chattel for payment
32 of storage or service towing charges, if any, or makes satisfactory arrangements with the
33 lienholder for paying such charges or for continued storage of the chattel if desired. Forty-five
34 days after the notification has been mailed and the chattel is unredeemed **or the notice has been**
35 **returned marked "not forwardable" or "addressee unknown"** and no satisfactory
36 arrangement has been made with the lienholder for payment or continued storage, the lienholder
37 may apply to the director of revenue for a certificate of ownership or certificate of title as
38 provided in this section.

39 4. The application shall be accompanied by:

40 (1) The original or a conformed or photostatic copy of the written request of the owner
41 or the owner's agent or of a peace officer with the maximum amount to be charged stated therein;

42 (2) An affidavit [of the] **from the lienholder that written notice was provided to all**
43 **owners and lienholders of the applicants intent to apply for a certificate of ownership and**
44 **that the owner has defaulted on payment of labor, services, skill or material and that payment is**
45 **three months past due, or that owner has defaulted on payment or has failed to make satisfactory**
46 **arrangements for continued storage of the chattel for forty-five days since notification of intent**
47 **to make application for a certificate of ownership or certificate of title. The affidavit shall be**
48 **accompanied by a copy of the forty-five day notice given by certified mail to any owner and**
49 **person holding a valid security interest and a copy of the certified mail receipt indicating**
50 **that the owner and lienholder of record was sent a notice as required in this section;**

51 (3) A statement of the actual value of the expenditure of labor, services, skill or material,
52 or the amount of storage due on the date of application for a certificate of ownership or
53 certificate of title, and the amount which is unpaid; and

54 (4) A fee of ten dollars.

55 5. If the director is satisfied with the genuineness of the application and supporting
56 documents, [the director shall notify by certified mail, postage prepaid, the owner and any
57 lienholders of record, other than the applicant, at their last known address that application has
58 been made for a lien title on the chattel.

59 6. Thirty days after notification of the owner and lienholders,] **and** if no lienholder or
60 the owner has redeemed the chattel or no satisfactory arrangement has been made concerning
61 payment or continuation of storage [and the application has not been withdrawn], and if no
62 owner or lienholder has informed the director that the owner or lienholder demands a hearing
63 [and enforcement of the lien] as provided in **this** section [430.160], the director shall issue, in
64 the same manner as a repossessed title is issued, a certificate of ownership or certificate of title
65 to the applicant which shall clearly be captioned "Lien Title".

66 7. **The owner or lienholder of any motor vehicle or trailer, as defined in chapter**
67 **301, RSMo, vessel, as defined in chapter 306, RSMo, outboard motor, or aircraft may file**
68 **a petition in the circuit court in the county where the motor vehicle, trailer, vessel,**
69 **outboard motor, or aircraft is stored to determine if the motor vehicle, trailer, vessel,**
70 **outboard motor, or aircraft was wrongfully taken or withheld from the owner. The**
71 **petition shall name the person expending labor, services, skill, or material among the**
72 **defendants. The director of revenue shall not be a party to such petition, but a copy of the**
73 **petition shall be served on the director of revenue, who shall not issue title to such motor**
74 **vehicle, trailer, vessel, outboard motor, or aircraft under this section until the petition is**
75 **finally decided.**

76 [7.] 8. Upon receipt of a lien title, the holder shall within ten days begin proceedings to
77 sell the chattel as prescribed in section 430.100.

78 [8.] 9. The provisions of section 430.110 shall apply to the disposition of proceeds, and
79 the lienholder shall also be entitled to any actual and necessary expenses incurred in obtaining
80 the lien title, including, but not limited to, court costs and reasonable attorney's fees.

**488.006. For any infraction, unless otherwise provided by law, all court costs, fees,
2 surcharges, and other miscellaneous charges shall be assessed in the same manner and
3 amount as a misdemeanor.**

556.021. 1. An offense defined by this code or by any other statute of this state
2 constitutes an "infraction" if it is so designated or if [no other sentence than a fine, or fine and
3 forfeiture or other civil penalty is authorized upon conviction] **a violation of the statute can
4 result only in a fine, forfeiture, or other civil penalty, or any combination thereof.**

5 2. [An infraction does not constitute a crime and conviction of an infraction shall not
6 give rise to any disability or legal disadvantage based on conviction of a crime.] **A
7 determination of whether an infraction has occurred shall be made by the filing of a civil
8 action. The action shall be filed by a person who is authorized to bring a criminal action
9 or an action to enforce an ordinance if the conduct constituted a crime or ordinance
10 violation. The action shall be brought in the name of the state of Missouri or appropriate
11 political subdivision. An infraction violation shall be proven by a preponderance of the
12 evidence but shall not be tried to a jury. If an infraction violation is proven, judgment
13 shall be entered for the plaintiff.**

14 3. Notwithstanding any other provision of law to the contrary, it shall be the duty
15 of the operator or driver of any vehicle or the rider of any animal traveling on the roads
16 of this state to stop on signal of any law enforcement officer and to obey any other
17 reasonable signal or direction of such law enforcement officer given in the course of
18 enforcing any infraction. Any person who willfully fails or refuses to obey any signal or
19 direction of a law enforcement officer given in the course of enforcing any infraction, or
20 who willfully resists or opposes a law enforcement officer in the proper discharge of his or
21 her duties in the course of enforcing any infraction, shall be guilty of a class A
22 misdemeanor and on plea or finding of guilt thereof shall be punished as provided by law
23 for such offenses.

24 4. The supreme court of Missouri may promulgate rules for the enforcement of this
25 section.

577.020. 1. Sections 577.020 and 577.021 shall be known as the "Alan Woods
2 Law".

3 **2.** Any person who operates a motor vehicle upon the public highways of this state shall
4 be deemed to have given consent to, subject to the provisions of sections 577.020 to 577.041,
5 a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of
6 determining the alcohol or drug content of the person's blood pursuant to the following
7 circumstances:

8 (1) If the person is arrested for any offense arising out of acts which the arresting officer
9 had reasonable grounds to believe were committed while the person was driving a motor vehicle
10 while in an intoxicated or drugged condition; or

11 (2) If the person is under the age of twenty-one, has been stopped by a law enforcement
12 officer, and the law enforcement officer has reasonable grounds to believe that such person was
13 driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more
14 by weight; or

15 (3) If the person is under the age of twenty-one, has been stopped by a law enforcement
16 officer, and the law enforcement officer has reasonable grounds to believe that such person has
17 committed a violation of the traffic laws of the state, or any political subdivision of the state, and
18 such officer has reasonable grounds to believe, after making such stop, that such person has a
19 blood alcohol content of two-hundredths of one percent or greater;

20 (4) If the person is under the age of twenty-one, has been stopped at a sobriety
21 checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that
22 such person has a blood alcohol content of two-hundredths of one percent or greater;

23 (5) If the person, while operating a motor vehicle, has been involved in a motor vehicle
24 collision which resulted in a fatality or a readily apparent serious physical injury as defined in
25 section 565.002, RSMo, [and] **or** has been arrested as evidenced by the issuance of a uniform
26 traffic ticket for the violation of any state law or county or municipal ordinance with the
27 exception of equipment violations contained in chapter 306, RSMo, or similar provisions
28 contained in county or municipal ordinances; or

29 (6) If the person, while operating a motor vehicle, has been involved in a motor vehicle
30 collision which resulted in a fatality **or serious physical injury as defined in section 565.002,**
31 **RSMo.**

32
33 The test shall be administered at the direction of the law enforcement officer whenever the
34 person has been arrested or stopped for any reason.

35 [2.] **3.** The implied consent to submit to the chemical tests listed in subsection [1] **2** of
36 this section shall be limited to not more than two such tests arising from the same arrest, incident
37 or charge.

38 [3.] 4. Chemical analysis of the person's breath, blood, saliva, or urine to be considered
39 valid pursuant to the provisions of sections 577.020 to 577.041 shall be performed according to
40 methods approved by the state department of health and senior services by licensed medical
41 personnel or by a person possessing a valid permit issued by the state department of health and
42 senior services for this purpose.

43 [4.] 5. The state department of health and senior services shall approve satisfactory
44 techniques, devices, equipment, or methods to be considered valid pursuant to the provisions of
45 sections 577.020 to 577.041 and shall establish standards to ascertain the qualifications and
46 competence of individuals to conduct analyses and to issue permits which shall be subject to
47 termination or revocation by the state department of health and senior services.

48 [5.] 6. The person tested may have a physician, or a qualified technician, chemist,
49 registered nurse, or other qualified person at the choosing and expense of the person to be tested,
50 administer a test in addition to any administered at the direction of a law enforcement officer.
51 The failure or inability to obtain an additional test by a person shall not preclude the admission
52 of evidence relating to the test taken at the direction of a law enforcement officer.

53 [6.] 7. Upon the request of the person who is tested, full information concerning the test
54 shall be made available to such person. **Full information is limited to the following:**

55 (1) **The type of test administered and the procedures followed;**

56 (2) **The time of the collection of the blood, breath, or urine sample analyzed;**

57 (3) **The numerical results of the test indicating the alcohol content of the blood,**
58 **breath, or urine;**

59 (4) **The type and status of any permit which was held by the person who performed**
60 **the test;**

61 (5) **If the test was administered by means of a breath testing instrument, the date**
62 **of performance of the most recent required maintenance of such instrument.**

63

64 **Full information does not include manuals, schematics, or software of the instrument used**
65 **to test the person or any other material that is not in the actual possession of the state.**
66 **Additionally, full information does not include information in the possession of the**
67 **manufacturer of the test instrument.**

68 [7.] 8. Any person given a chemical test of the person's breath pursuant to subsection [1]
69 2 of this section or a field sobriety test may be videotaped during any such test at the direction
70 of the law enforcement officer. Any such video recording made during the chemical test
71 pursuant to this subsection or a field sobriety test shall be admissible as evidence at either any
72 trial of such person for either a violation of any state law or county or municipal ordinance, or

73 any license revocation or suspension proceeding pursuant to the provisions of chapter 302,
74 RSMo.

577.021. 1. Any state, county or municipal law enforcement officer who has the power
2 of arrest for violations of section 577.010 or 577.012 and who is certified pursuant to chapter
3 590, RSMo, may, prior to arrest, administer a chemical test to any person suspected of operating
4 a motor vehicle in violation of section 577.010 or 577.012.

5 **2. Any state, county, or municipal law enforcement officer who has the power of**
6 **arrest for violations of section 577.010 or 577.012 and who is certified under chapter 590,**
7 **RSMo, shall make all reasonable efforts to administer a chemical test to any person**
8 **suspected of driving a motor vehicle involved in a collision which resulted in a fatality or**
9 **serious physical injury as defined in section 565.002, RSMo.**

10 **3.** A test administered pursuant to this section shall be admissible as evidence of
11 probable cause to arrest and as exculpatory evidence, but shall not be admissible as evidence of
12 blood alcohol content. The provisions of section 577.020 shall not apply to a test administered
13 prior to arrest pursuant to this section.

577.054. 1. After a period of not less than ten years, an individual who has pleaded
2 guilty or has been convicted for a first alcohol-related driving offense which is a misdemeanor
3 or a county or city ordinance violation and which is not a conviction for driving a commercial
4 motor vehicle while under the influence of alcohol and who since such date has not been
5 convicted of any other alcohol-related driving offense may apply to the court in which he or she
6 pled guilty or was sentenced for an order to expunge from all official records all recordations of
7 his or her arrest, plea, trial or conviction. If the court determines, after hearing, that such person
8 has not been convicted of any alcohol-related driving offense in the ten years prior to the date
9 of the application for expungement, and has no other alcohol-related enforcement contacts as
10 defined in section 302.525, RSMo, during that ten-year period, the court shall enter an order of
11 expungement. Upon granting of the order of expungement, the records and files maintained in
12 any administrative or court proceeding in an associate or circuit division of the circuit court
13 under this section shall be confidential and only available to the parties or by order of the court
14 for good cause shown. The effect of such order shall be to restore such person to the status he
15 or she occupied prior to such arrest, plea or conviction and as if such event had never taken
16 place. No person as to whom such order has been entered shall be held thereafter under any
17 provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his
18 or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in
19 response to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall
20 be made for information relating to an expungement under this section. **Upon granting of the**
21 **order of expungement, all official records and all recordations maintained by the**

22 **department of revenue of any suspension or revocation of driving privileges related to the**
23 **alcohol-related driving offense shall be expunged.** A person shall only be entitled to one
24 expungement pursuant to this section. Nothing contained in this section shall prevent the
25 director from maintaining [such records] **a separate record** as to ensure that an individual
26 receives only one expungement pursuant to this section for the purpose of informing the proper
27 authorities of the contents of any record maintained pursuant to this section.

28 2. The provisions of this section shall not apply to any individual who has been issued
29 a commercial driver's license or is required to possess a commercial driver's license issued by
30 this state or any other state.

622.560. 1. Whenever the federal motor carrier safety administration, the United
2 **States Department of Transportation, or the state highways and transportation commission**
3 **issues an out-of-service order against a motor carrier, as those terms are defined in Title**
4 **49, Section 390.5, Code of Federal Regulations, as those regulations have been and**
5 **periodically may be amended, the commission may immediately, without hearing, order**
6 **the suspension, revocation, cancellation, confiscation, or any of these, of every license,**
7 **registration, certificate, permit, and other credential issued to the motor carrier by the**
8 **commission's authority under section 226.008, RSMo, and every motor vehicle license plate**
9 **issued under any provision of chapter 301, RSMo, which authorizes the operation of motor**
10 **vehicles in intrastate or interstate commerce by that motor carrier. This section is**
11 **applicable to out-of-service orders placing a motor carrier's entire operation out of service,**
12 **but does not apply to any out-of-service order placing an individual driver or individual**
13 **vehicle out of service.**

14 (1) The commission shall immediately serve notice of its order upon the affected
15 motor carrier, and upon the director of revenue, in the manner authorized by section
16 622.410 or any other manner authorized by law for the service of notice of the
17 commission's orders. The notice or order shall state a specific effective date for the
18 commission's action or, in the commission's discretion, that its action shall become effective
19 immediately upon the service of the notice or order upon the motor carrier. The order
20 shall remain in force until otherwise ordered by the commission, or by a court having
21 proper jurisdiction.

22 (2) Whenever an order of the commission issued under this subsection is in force,
23 a motor carrier who is prohibited by the order from operating commercial motor vehicles
24 shall not operate any commercial motor vehicles and shall not allow any employee, agent,
25 lessor, or other person acting under the motor carrier's authority or control to operate any
26 commercial motor vehicles in intrastate or interstate commerce within this state. Upon
27 receiving notice of the commission's order, the motor carrier shall immediately surrender

28 all license plates, motor carrier licenses, registrations, permits, and other credentials, as
29 directed by the commission's order. While the out-of-service order is in force, the
30 commission may dismiss or deny every application for the issuance of any of these
31 credentials to that motor carrier.

32 (3) After the commission has issued an order under this subsection, the out-of-
33 service motor carrier shall not be eligible to apply for the issuance or reinstatement of, and
34 the commission shall not issue or reinstate, any license plate, motor carrier license,
35 registration, permit, certificate, or other credential described in the commission's order,
36 until the out-of-service order and any commission orders issued under this subsection have
37 been rescinded by the agency that issued these orders, or the orders have been set aside by
38 a court having proper jurisdiction.

39 2. In any commission or court proceeding relating to this section, a copy of any
40 federal or state order described in subsection 1 of this section shall be admissible and shall
41 constitute prima facie evidence that the motor carrier violated Title 49, of the Code of
42 Federal Regulations, or that the motor carrier's operation of commercial motor vehicles
43 poses an imminent hazard to safety, or both, as stated in that order.

44 3. Any person who is aggrieved by an order of the highways and transportation
45 commission issued under this section, or by any out-of-service order issued by commission
46 enforcement personnel under section 390.201, RSMo, or subsection 3 of section 307.400,
47 RSMo, may apply to the circuit court for a hearing and review of that order. Venue of
48 such judicial review shall lie within the county of the first classification with more than
49 seventy-one thousand three hundred but fewer than seventy-one thousand four hundred
50 inhabitants or in the county where the out-of-service order was issued to the motor carrier.
51 The right to a hearing and judicial review of the commission's order under this section
52 shall be waived, unless an aggrieved person files a petition for review with the clerk of the
53 circuit court in the proper venue, not later than thirty days following the issuance of the
54 order to be reviewed. Except as otherwise provided in this section, sections 622.430 to
55 622.450, shall govern the judicial review of orders issued by the commission or its
56 personnel as described in this section. In addition to any other interested parties, the
57 commission shall have the right to appear in all hearing and review proceedings under this
58 section and may, in its discretion, defend any order or notice issued and any action taken
59 by any public agency or officer acting in good faith under the provisions of this section.
60 This section shall not be construed as conferring any jurisdiction to review, amend, vacate
61 or set aside any orders issued by a federal agency or federal officer.

62 4. Notwithstanding any provision of law, the highways and transportation
63 commission may receive and disclose any data, information, or evidence relating to any

64 out-of-service motor carrier as provided in this section. Except as otherwise provided in
65 this section, this data may include, but is not limited to, the identity and location of any
66 persons known or reasonably believed to have leased motor vehicles with or without driver
67 to the out-of-service carrier, any persons known or reasonably believed to be operating
68 commercial motor vehicles under the authority or control of the out-of-service motor
69 carrier, and any motor vehicles owned, operated by, or leased to the out-of-service motor
70 carrier or those persons, including the vehicle identification numbers. The commission,
71 in its discretion, may disclose this data to the following entities, which are hereby
72 authorized to receive such data from and to disclose such data to the commission:

73 (1) The federal motor carrier safety administration, and other relevant officials of
74 the United States Department of Transportation;

75 (2) The department of revenue;

76 (3) The Missouri state highway patrol, and any other peace officers authorized to
77 exercise police powers within the state;

78 (4) Similarly authorized law enforcement agencies of any other state, of the United
79 States government, or of any foreign government having legal authority to promote or
80 enforce motor carrier safety; and

81 (5) Any liability insurer or surety that provides, or has an interest in providing,
82 automobile liability insurance coverage for the out-of-service motor carrier, or for any
83 person who leases, or proposes to lease, motor vehicles to be operated by or under the
84 authority or control of the out-of-service motor carrier.

85 5. Upon receiving notice of any order issued by the highways and transportation
86 commission under subsection 1 of this section, together with any additional information
87 reasonably required by the director of revenue, the director of revenue may immediately,
88 without hearing, update the director's records to reflect the suspension, revocation, or
89 cancellation of all motor vehicle license plates, registrations, and other credentials issued
90 to the out-of-service motor carrier by the director of revenue, or by the department of
91 revenue. The director of revenue shall immediately notify the motor carrier, and the
92 commission, of all actions taken under the commission's order. The motor carrier shall
93 have the right to seek judicial review of the commission's order, including the suspension,
94 revocation, or cancellation of motor vehicle license plates and registrations under the
95 commission's order, as provided in subsection 3 of this section. The motor carrier shall not
96 be entitled to any separate appeal or review of the director of revenue's notice of
97 suspension, revocation, or cancellation of motor vehicle licenses or registrations or any
98 other actions taken by the director of revenue under the commission's order.

99 **6. The commission may authorize any of its personnel to enforce any provision of**
100 **this section, or any out-of-service orders described in this section, in the same manner**
101 **provided by law for other orders of the commission authorized under section 226.008,**
102 **RSMo. The Missouri state highway patrol and other peace officers within this state may**
103 **enforce the requirements of this section and of any orders issued under this section. If so**
104 **authorized by the commission's order under this section, in addition to any other remedies**
105 **provided by law, personnel of the state department of transportation and the state highway**
106 **patrol may confiscate any license plates, motor carrier licenses, registrations, certificates,**
107 **permits, and other credentials issued to the motor carrier by the commission, the director**
108 **of revenue, the department of revenue, or all of these.**

109 **7. Notwithstanding any provision of law, the state of Missouri, the highways and**
110 **transportation commission, the department of revenue, the state highway patrol, and any**
111 **peace officers or other public officers acting in good faith under the authority of this**
112 **section, shall not be held liable or required to pay any refund of any fees, taxes,**
113 **assessments, penalties, fines, forfeitures, or other payments that may be charged to,**
114 **received, or collected from the out-of-service motor carrier, or from persons whose motor**
115 **vehicles are leased to or operated under the control of that motor carrier, in relation to any**
116 **license plate, motor carrier license, registration, permit, certificate or other credential that**
117 **is suspended, revoked, cancelled, or confiscated under any provisions of this section.**

118 **8. Any act or omission by a state agency that this section authorizes or requires**
119 **with reference to an out-of-service motor carrier, or with reference to motor vehicles**
120 **operated by an out-of-service motor carrier, is likewise authorized or required with**
121 **reference to:**

122 **(1) Any person who operates motor vehicles under the actual control of that motor**
123 **carrier, and any person who operates motor vehicles that are leased to that motor carrier,**
124 **with or without driver; and**

125 **(2) Any motor vehicles operated under the actual control of that motor carrier and**
126 **any motor vehicles that are leased to that motor carrier, with or without driver.**

 [407.1200. As used in sections 407.1200 to 407.1227, the following
2 terms shall mean:

3 (1) "Administrator", the person who is responsible for the administration
4 of the service contracts or the service contracts plan and who is responsible for
5 any filings required by sections 407.1200 to 407.1227;

6 (2) "Consumer", a natural person who buys other than for purposes of
7 resale any motor vehicle that is distributed in commerce and that is normally used
8 for personal, family, or household purposes and not for business or research
9 purposes;

10 (3) "Director", the director of the department of insurance;

- 11 (4) "Maintenance agreement", a contract of limited duration that provides
12 for scheduled maintenance only;
- 13 (5) "Manufacturer", a person that:
- 14 (a) Manufactures or produces the property and sells the property under
15 its own name or label;
- 16 (b) Is a wholly owned subsidiary of the person who manufactures or
17 produces the property;
- 18 (c) Is a corporation which owns one hundred percent of the person who
19 manufactures or produces the property;
- 20 (d) Does not manufacture or produce the property, but the property is
21 sold under its trade name label;
- 22 (e) Manufactures or produces the property and the property is sold under
23 the trade name or label of another person; or
- 24 (f) Does not manufacture or produce the property but, pursuant to a
25 written contract, licenses the use of its trade name or label to another person that
26 sells the property under the licensor's trade name or label;
- 27 (6) "Mechanical breakdown insurance", a policy, contract, or agreement
28 issued by an authorized insurer that provides for the repair, replacement, or
29 maintenance of a motor vehicle or indemnification for repair, replacement, or
30 service, for the operational or structural failure of a motor vehicle due to a defect
31 in materials or workmanship or to normal wear and tear;
- 32 (7) "Motor vehicle extended service contract" or "service contract", a
33 contract or agreement for a separately stated consideration or for a specific
34 duration to perform the repair, replacement, or maintenance of a motor vehicle
35 or indemnification for repair, replacement, or maintenance, for the operational or
36 structural failure due to a defect in materials, workmanship, or normal wear and
37 tear, with or without additional provision for incidental payment of indemnity
38 under limited circumstances, including, but not limited to, towing, rental, and
39 emergency road service, but does not include mechanical breakdown insurance
40 or maintenance agreements;
- 41 (8) "Nonoriginal manufacturer's parts", replacement parts not made for
42 or by the original manufacturer of the property, commonly referred to as "after
43 market parts";
- 44 (9) "Person", an individual, partnership, corporation, incorporated or
45 unincorporated association, joint stock company, reciprocal, syndicate, or any
46 similar entity or combination of entities acting in concert;
- 47 (10) "Premium", the consideration paid to an insurer for a reimbursement
48 insurance policy;
- 49 (11) "Provider", a person who administers, issues, makes, provides, sells,
50 or offers to sell a motor vehicle extended service contract, or who is contractually
51 obligated to provide service under a motor vehicle extended service contract such
52 as sellers, administrators, and other intermediaries;

(12) "Provider fee", the consideration paid for a service contract in excess of the premium;

(13) "Reimbursement insurance policy", a policy of insurance issued to a provider and pursuant to which the insurer agrees, for the benefit of the service contract holders, to discharge all of the obligations and liabilities of the provider under the terms of the service contracts in the event of nonperformance by the provider. All obligations and liabilities include, but are not limited to, failure of the provider to perform under the service contract and the return of the unearned provider fee in the event of the provider's unwillingness or inability to reimburse the unearned provider fee in the event of termination of a service contract;

(14) "Service contract holder" or "contract holder", a person who is the purchaser or holder of a service contract;

(15) "Warranty", a warranty made solely by the manufacturer, importer, or seller of property or services without charge, that is not negotiated or separated from the sale of the product and is incidental to the sale of the product, that guarantees indemnity for defective parts, mechanical or electrical breakdown, labor, or other remedial measures, such as repair or replacement of the property or repetition of services.]

[407.1203. 1. Service contracts shall not be issued, sold, or offered for sale in this state unless the administrator or its designee has:

(1) Provided a receipt for the purchase of the service contract to the contract holder at the date of purchase;

(2) Provided a copy of the service contract to the service contract holder within a reasonable period of time from the date of purchase; and

(3) Complied with the provisions of sections 407.1200 to 407.1227.

2. All administrators of service contracts sold in this state shall file a registration with the director on a form, at a fee and at a frequency prescribed by the director.

3. In order to assure the faithful performance of a provider's obligations to its contract holders, each provider who is contractually obligated to provide service under a service contract shall:

(1) Insure all service contracts under a reimbursement insurance policy issued by an insurer authorized to transact insurance in this state; or

(2) (a) Maintain a funded reserve account for its obligation under its contracts issued and outstanding in this state. The reserves shall not be less than forty percent of gross consideration received, less claims paid, on the sale of the service contract for all in-force contracts. The reserve account shall be subject to examination and review by the director; and

(b) Place in trust with the director a financial security deposit, having a value of not less than five percent of the gross consideration received, less claims paid, on the sale of the service contract for all service contracts issued and in

force, but not less than twenty-five thousand dollars, consisting of one of the following:

- a. A surety bond issued by an authorized surety;
- b. Securities of the type eligible for deposit by authorized insurers in this state;
- c. Cash;
- d. A letter of credit issued by a qualified financial institution; or
- e. Another form of security prescribed by regulations issued by the director; or

(3) (a) Maintain a net worth of one hundred million dollars; and
(b) Upon request, provide the director with a copy of the provider's or, if the provider's financial statements are consolidated with those of its parent company, the provider's parent company's most recent Form 10-K filed with the Securities and Exchange Commission (SEC) within the last calendar year, or if the company does not file with the SEC, a copy of the company's audited financial statements, which shows a net worth of the provider or its parent company of at least one hundred million dollars. If the provider's parent company's Form 10-K or audited financial statements are filed to meet the provider's financial stability requirement, then the parent company shall agree to guarantee the obligations of the obligor relating to service contracts sold by the provider in this state.

4. Provider fees collected on service contracts shall not be subject to premium taxes. Premiums for reimbursement insurance policies shall be subject to applicable premium taxes.

5. Except for the registration requirement in subsection 2 of this section, persons marketing, selling, or offering to sell service contracts for providers that comply with sections 407.1200 to 407.1227 are exempt from this state's licensing requirements.

6. Providers complying with the provisions of sections 407.1200 to 407.1227 are not required to comply with other provisions of chapter 374 or 375, or any other provisions governing insurance companies, except as specifically provided.]

[407.1206. Reimbursement insurance policies insuring service contracts issued, sold, or offered for sale in this state shall conspicuously state that, upon failure of the provider to perform under the contract, such as failure to return the unearned provider fee, the insurer that issued the policy shall pay on behalf of the provider any sums the provider is legally obligated to pay or shall provide the service which the provider is legally obligated to perform according to the provider's contractual obligations under the service contracts issued or sold by the provider.]

2 [407.1209. 1. Service contracts issued, sold, or offered for sale in this
3 state shall be written in clear, understandable language and the entire contract
4 shall be printed or typed in easy to read ten-point type or larger and
5 conspicuously disclose the requirements in this section, as applicable.

6 2. Service contracts insured under a reimbursement insurance
7 policypursuant to subsection 3 of section 407.1203 shall contain a statement in
8 substantially the following form: "Obligations of the provider under this service
9 contract are guaranteed under a service contract reimbursement insurance policy.
10 If the provider fails to pay or provide service on a claim within sixty days after
11 proof of loss has been filed, the contract holder is entitled to make a claim
12 directly against the insurance company.". A claim against the provider shall also
13 include a claim for return of the unearned provider fee. The service contract shall
14 also conspicuously state the name and address of the insurer.

15 3. Service contracts not insured under a reimbursement insurance policy
16 pursuant to subsection 3 of section 407.1203 shall contain a statement in
17 substantially the following form: "Obligations of the provider under this service
18 contract are backed only by the full faith and credit of the provider (issuer) and
19 are not guaranteed under a service contract reimbursement insurance policy."
20 A claim against the provider shall also include a claim for return of the unearned
21 provider fee. The service contract shall also conspicuously state the name and
22 address of the provider.

23 4. Service contracts shall identify any administrator, the provider
24 obligated to perform the service under the contract, the service contract seller,
25 and the service contract holder to the extent that the name and address of the
26 service contract holder has been furnished by the service contract holder.

27 5. Service contracts shall conspicuously state the total purchase price and
28 the terms under which the service contract is sold. The purchase price is not
29 required to be preprinted on the service contract and may be negotiated at the
30 time of sale with the service contract holder.

31 6. If prior approval of repair work is required, the service contracts shall
32 conspicuously state the procedure for obtaining prior approval and for making a
33 claim, including a toll-free telephone number for claim service and a procedure
34 for obtaining emergency repairs performed outside of normal business hours.

35 7. Service contracts shall conspicuously state the existence of any
36 deductible amount.

37 8. Service contracts shall specify the merchandise and services to be
38 provided and any limitations, exceptions, and exclusions.

39 9. Service contracts shall state the conditions upon which the use of
40 nonoriginal manufacturer's parts, or substitute service, may be allowed.
41 Conditions stated shall comply with applicable state and federal laws.

42 10. Service contracts shall state any terms, restrictions, or conditions
governing the transferability of the service contract.

11. Service contracts shall state the terms, restrictions, or conditions governing termination of the service contract by the service contract holder. The provider of the service contract shall mail a written notice to the contract holder within fifteen days of the date of termination.

12. Service contracts shall require every provider to permit the service contract holder to return the contract within at least twenty business days of the date of mailing of the service contract or within at least ten days if the service contract is delivered at the time of sale or within a longer time period permitted under the contract. If no claim has been made under the contract, the contract is void and the provider shall refund to the contract holder the full purchase price of the contract. A ten percent penalty per month shall be added to a refund that is not paid within thirty days of return of the contract to the provider. The applicable free-look time periods on service contracts shall only apply to the original service contract purchaser.

13. Service contracts shall set forth all of the obligations and duties of the service contract holder, such as the duty to protect against any further damage and the requirement for certain service and maintenance.

14. Service contracts shall clearly state whether or not the service contract provides for or excludes consequential damages or preexisting conditions.]

[407.1212. 1. A provider shall not use in its name the words insurance, casualty, guaranty, surety, mutual, or any other words descriptive of the insurance, casualty, guaranty, or surety business; or a name deceptively similar to the name or description of any insurance or surety corporation, or any other provider. This section shall not apply to a company that was using any of the prohibited language in its name prior to August 28, 2004. However, a company using the prohibited language in its name shall conspicuously disclose in its service contract the following statement: "This agreement is not an insurance contract."

2. A provider or its representative shall not in its service contracts or literature make, permit, or cause to be made any false or misleading statement, or deliberately omit any material statement that would be considered misleading if omitted, in connection with the sale, offer to sell or advertisement of a service contract.

3. A person, such as a bank, savings and loan association, lending institution, manufacturer or seller of any product, shall not require the purchase of a service contract as a condition of a loan or a condition for the sale of any property.]

[407.1215. 1. An administrator, provider, or other intermediary shall keep accurate accounts, books, and records concerning transactions regulated by sections 407.1200 to 407.1227.

4 2. An administrator's, provider's, or other intermediary's accounts, books,
5 and records shall include:

- 6 (1) Copies of each type of service contract issued;
7 (2) The name and address of each service contract holder to the extent
8 that the name and address have been furnished by the service contract holder;
9 (3) A list of the provider locations where service contracts are marketed,
10 sold, or offered for sale; and
11 (4) Claims files which shall contain at least the dates, amounts, and
12 description of all receipts, claims, and expenditures related to the service
13 contracts.

14 3. Except as provided in this section, an administrator shall retain all
15 records pertaining to each service contract holder for at least three years after the
16 specified period of coverage has expired.

17 4. An administrator, provider, or other intermediary may keep all records
18 required pursuant to sections 407.1200 to 407.1227 on a computer disk or other
19 similar technology. If an administrator, provider, or other intermediary maintains
20 records in other than hard copy, records shall be accessible from a computer
21 terminal available to the director and be capable of duplication to legible hard
22 copy.

23 5. An administrator, provider, or other intermediary discontinuing
24 business in this state shall maintain its records until it furnishes the director
25 satisfactory proof that it has discharged all obligations to contract holders in this
26 state.

27 6. An administrator, provider, or other intermediary shall make all
28 accounts, books, and records concerning transactions regulated pursuant to
29 sections 407.1200 to 407.1227 or other pertinent laws available to the director
30 upon request.]
31

2 [407.1218. As applicable, an insurer that issued a reimbursement
3 insurance policy shall not terminate the policy until a notice of termination, in a
4 form and time frame prescribed by the director, has been mailed or delivered to
5 the director. The termination of a reimbursement insurance policy shall not
6 reduce the issuer's responsibility for service contracts issued by providers prior
7 to the date of the termination.]

2 [407.1221. 1. Providers are considered to be the agent of the insurer that
3 issued the reimbursement insurance policy. In cases where a provider is acting
4 as an administrator and enlists other providers, the provider acting as the
5 administrator shall notify the insurer of the existence and identities of the other
6 providers.

7 2. The provisions of sections 407.1200 to 407.1227 shall not prevent or
8 limit the right of an insurer which issued a reimbursement insurance policy to
seek indemnification or subrogation against a provider if the insurer pays or is

9 obligated to pay the service contract holder sums that the provider was obligated
10 to pay pursuant to the provisions of the service contract or under a contractual
11 agreement.]
12

2 [407.1224. 1. The director may conduct investigations or examinations
3 of providers, administrators, insurers, or other persons to enforce the provisions
4 of sections 407.1200 to 407.1227 and protect service contract holders in this
5 state.

6 2. The director may take action that is necessary or appropriate to enforce
7 the provisions of sections 407.1200 to 407.1227 and the director's regulations and
8 orders, and to protect service contract holders in this state.

9 3. The director may order a service contract provider to cease and desist
10 from committing violations of sections 407.1200 to 407.1227 or the director's
11 regulations or orders, may issue an order prohibiting a service contract provider
12 from selling or offering for sale service contracts, or may issue an order imposing
13 a civil penalty, or any combination of these, if the provider has violated the
14 provisions of sections 407.1200 to 407.1227 or the director's regulations or
15 orders.

16 4. A person aggrieved by an order pursuant to this section may request
17 a hearing before the director. The hearing request shall be filed with the director
18 within twenty days of the date the director's order is effective.

19 5. Pending the hearing and the decision by the director, the director shall
20 suspend the effective date of the order. At the hearing, the burden shall be on the
21 director to show why the order issued pursuant to this section is justified. Such
22 hearing shall be held in accordance with the provisions of chapter 536, RSMo.

23 6. The director may bring an action in the circuit court of Cole County
24 for an injunction or other appropriate relief to enjoin threatened or existing
25 violations of sections 407.1200 to 407.1227 or of the director's orders or
26 regulations. An action filed pursuant to this section may also seek restitution on
27 behalf of persons aggrieved by a violation of sections 407.1200 to 407.1227 or
28 orders or regulations of the director.

29 7. A person in violation of sections 407.1200 to 407.1227 or orders or
30 regulations of the director may be assessed a civil penalty not to exceed one
31 thousand dollars per violation.

32 8. The authority of the director pursuant to this section is in addition to
33 other authority of the director.]

2 [407.1225. The director may promulgate rules to effectuate sections
3 407.1200 to 407.1227. Any rule or portion of a rule, as that term is defined in
4 section 536.010, RSMo, that is created under the authority delegated in this
5 section shall become effective only if it complies with and is subject to all of the
6 provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo.
This section and chapter 536, RSMo, are nonseverable and if any of the powers

7 vested with the general assembly pursuant to chapter 536, RSMo, to review, to
8 delay the effective date, or to disapprove and annul a rule are subsequently held
9 unconstitutional, then the grant of rulemaking authority and any rule proposed or
10 adopted after August 28, 2004, shall be invalid and void.]
11

2 [407.1227. 1. The provisions of sections 407.1200 to 407.1224 shall not
3 apply to:

- 4 (1) Warranties;
5 (2) Maintenance agreements;
6 (3) Commercial transactions; and
7 (4) Service contracts sold or offered for sale to persons other than
8 consumers.

9 2. Manufacturer's contracts on the manufacturer's products need only
10 comply with the provisions of sections 407.1209, 407.1212, and 407.1224.]

11 Section B. The repeal of sections 407.1200, 407.1203, 407.1206, 407.1209, 407.1212,
2 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, and 407.1227, the enactment of sections
3 385.400, 385.403, 385.406, 385.409, 385.412, 385.415, 385.418, 385.421, 385.424, 385.427,
4 385.430, 385.433, 385.436, and the repeal and reenactment of section 301.142 of section A of
5 this act shall become effective January 1, 2007.

6 Section C. The repeal and reenactment of sections 301.055, 301.057, and 301.058 of
7 section A of this act shall become effective July 1, 2007.

8 Section D. The provisions of sections 385.400 to 385.436 of section A of this act are
9 severable. If any part of sections 385.400 to 385.436 of section A of this act is declared invalid
10 or unconstitutional, it is the intent of the legislature that the remaining portions of sections
11 385.400 to 385.436 of section A of this act shall remain and be in full force and effect.

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